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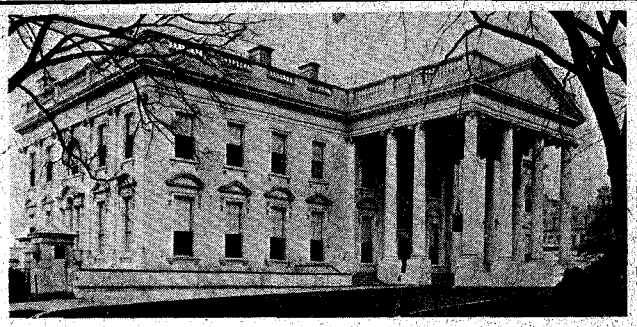

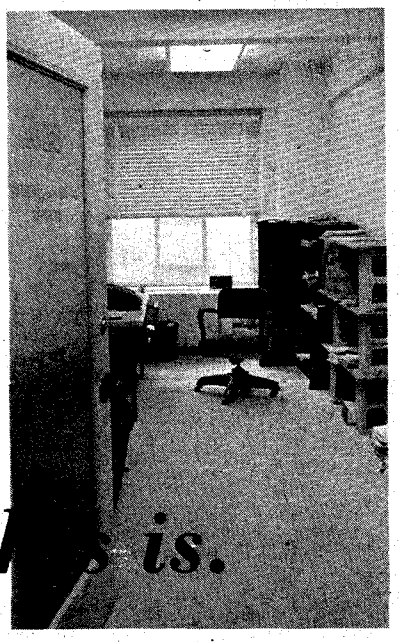

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TRB

from Washington
April 7, 1973

Shivers

Mr. Nixon must come to terms with three urgent problems very quickly we think: President Thieu, inflation and the Watergate scandal. He can't glide over successive crises any longer by simply bringing more GIs home; they're all home.

Consider first Mr. Thieu. The mood has vastly changed. People forget so quickly. All of a sudden in Washington you can't find anybody who wasn't against the war all the time. It now turns out everybody agrees with what TRB was writing, the war was a mistake. Even Kissinger quietly refers to it as a "civil war." You could have been thrown out of the card room of the National Press Club five years ago for such a remark. There are no true believers left.

But the President is stuck with Thieu, who has a military establishment of 1,100,000 and gets at least half of his $450 million budget from us. He wants to be supported in the style to which he is accustomed. Our Spiro Agnew has just been over to see him and reports that he is "a very moderate person; has confidence in the people; truly wants to see a representative government, with elections at the earliest possible moment." The Vice President adds, "I've admired President Thieu."

That certainly is a great comfort. To show how democratic he is Thieu released Truong Dinh Dzu last week, a peace candidate in the 1967 election, after nearly five years at hard labor. I'm sure if Mr. Nixon released Hubert Humphrey after defeating and jailing him in 1968 we should all be very much gratified. Thieu still holds Tran Ngoc Chau, 48, another prominent political prisoner and friend of the US, serving a 10-year term for having had "treasonable" contacts with his brother in North Vietnam. Thieu, according to advance schedule, will be in Washington April 4-7.

The Communists have an army in South Vietnam and will probably seek military victory shortly if we don't pay them what amounts to reparations. Maybe we should. Where does Nixon's "peace with honor" lead next?

The second emergency is the economy. Any day now the administration may make one of its lightning switches of policy; things are in bad shape and Pierre Rinfret, top economic adviser of the President during the election, said simply that the economy is "out of control."

It's funny how business administrations always gum things up: Coolidge-Hoover brought the Great Depression; Eisenhower produced three recessions in eight years; the Nixon administration has devalued the dollar twice, racked up an incredible balance of payments deficit, run a Treasury deficit every year so far, and picked just the wrong time to relax controls in Phase III, started a stock market slide of 120 points in 70 days with ups and downs since. It is a miserable record. And that isn't the end of it. Yes, we have inflation. Yes, the Agriculture Department overstayed a policy of scarcity for at least two years. Yes, meat prices are so high lamb chops are practically leaping on the counter. Interest rates are rising, the first sign of turning a boom into a bust. A union leader would be crazy to settle on the basis of a 5.5 percent wage increase with food prices tearing upward the way they are now. Wage contracts of five million workers are up this year.

The administration got itself into this fix and we wait with awe for Mr. Nixon's next rabbit. His capacity for surprise maneuvers is almost endless but, we think, he had better be quick. Just telling Congress to cut back on welfare and gypping the poor isn't enough. After waiting two and a half years he suddenly adopted an incomes policy; he suddenly devalued the dollar (1971) saying it was probably the greatest monetary agreement in history; he suddenly became a Keynesian; he suddenly ended Phase II; he suddenly devalued the dollar a second time; and it has all ended up with steak at $2.50 a pound! Here's an issue, finally, the public can understand.

The nastiest issue is, of course, Watergate. Mr. Nixon could disarm much of it quickly, even now, simply by telling his staff to testify. Like a defendant who pleads the Fifth Amendment, his use of executive privilege raises strange suspicions. I haven't seen a single conservative newspaper that supports the White House on this one. But so what? There is a kind of isolation, of arrogance, in this administration that makes warning difficult. The American people are "children"; Congress is a wastrel. In vetoing the vocational rehabilitation bill last week the President was almost unbelievably patronizing: he exhorted them to give up "spendthrift actions" and "be more responsible . . . in the future."

Moral superiority in the administration is 90 proof. You have to see eager young Howard Phillips, the dismantler of the poverty program with his enameled American flag lapel pin, or Patrick J. Buchanan, Spiro's speechwriter and presidential consultant, to believe it. They are ideological zealots. To Buchanan it's a plot. In a book, *The New Majority*, he charges that the nation is being undermined by a "marriage of left-winged bias and network power"; that "an incumbent elite, with an ideological slant unshared by the nation's majority, has acquired absolute control of the most powerful medium of communication known to man." If it weren't from the White House we'd say he was a crackpot.

In redrafting the federal criminal code and proposing severe new mandatory sentences Mr. Nixon grimly demands that they be applied "without pity." It makes you shiver.

The President could have established an independent, blue-ribbon panel to investigate Watergate; he wouldn't. He turned it over to the FBI, which reported back secretly to the White House through John W. Dean III, the man who "probably lied" according to L. Patrick Gray III, acting FBI director.

You can't figure out where it will end —the President with his bellicose contempt of Congress; with his extraordinary stretch of executive privilege and old Marse Sam Ervin (D, NC) with his fluttering eyebrows and wagging jowls, holding live television hearings day after day. It pleases some Democrats, frightens some Republicans, but it really transcends partisanship. Mr. Nixon could do the country a service by cooperating with the inquiry instead of fighting it.

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The President And Thieu

The other day James Reston of *The New York Times* said that he found it odd that the President "who has taken such credit for getting us out of the war" should not tell us by what authority he is daily bombing Cambodia with B-52s. Reston pointed out that Nixon can no longer claim to be "protecting the lives of American troops and prisoners," since the troops and the prisoners are out. He scorns Senator Goldwater's view that "the President possesses full constitutional authority to judge that the terms of the armistice which he negotiated had not been met by the enemy, and that an actual state of war continues there that carries with it his power and duty to enforce that settlement. . . ." The power to enforce whatever settlement has been reached in Indochina is not vested in the President, acting in whatever fashion he chooses. Moreover Cambodia was not a party to the Paris agreements, nor do those agreements specify any Cambodian cease-fire deadline or Cambodian political settlement.

They do, however, state that "foreign countries shall put an end to all military activities in Cambodia and Laos . . ." and that their internal affairs "shall be settled by the people of each of these countries without foreign interference." The answer to the "odd" situation that Mr. Reston describes can be found in his own newspaper of the same day, in a comment by William H. Sullivan, deputy assistant secretary of state for East Asia and Pacific affairs. Mr. Sullivan was asked by what constitutional authority the President is sending the bombers over Cambodia? "It is interesting you should ask about that," he replied. "I have got a couple of lawyers working on it." And then he added, "I guess what I would say is the reelection of the President." In other words it is not a question of legal right or of a proper exercise of constitutional responsibility, but of power. And the President will exercise that power as he sees fit, as he has done in the past, so long as there is no countervailing power in the Congress or the courts to stop him. And we see no such countervailing power asserting itself at the moment.

The key trade-off that was negotiated last January has, however, been accomplished—release of American prisoners in exchange for total withdrawal of all military personnel from Vietnam. So ends this American land war in Asia, though not the war itself. The war remains what it always has been, one between Asians with conflicting

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ideas about the governance of three Indochinese states. Leaving aside civilian casualities, that conflict, according to Saigon sources, has cost the lives of 15,149 "Communists" and 3126 South Vietnamese soldiers in the nine weeks since the cease-fire was promulgated.

Nor does US withdrawal of ground forces mean, as Mr. Nixon's meeting with General Thieu this week at San Clemente will perhaps demonstrate, that this administration is determined to promptly liquidate its costly, futile and dispiriting investment. We have no reason to believe that the President is ready to let Vietnam alone, unless he is forced to, regardless of the pledge made in Paris that "The US will not continue its military involvement or *intervene in the internal affairs of South Vietnam* [italics added]." With the end of the draft and of US ground combat in Vietnam, Mr. Nixon may now feel that he can contain, and with ease, whatever domestic pressures may arise in opposition to further intervention in an Asian civil war.

And yet it seems doubtful, however the battle goes in Indochina, that the President will decide to intervene by reintroducing combat troops. Bombing missions and dollars are probably all he has in mind. And when General Thieu tells Mr. Nixon in California, as Thieu told newsmen shortly before departing from Saigon, that he will need several billion dollars more, for a start, so that he can accomplish without US troops what he could not accomplish with them, he can be reasonably confident of a sympathetic reception. General Thieu is entitled to that confidence because the administration has never rid itself of the fiction that the prestige of the United States would be badly damaged by the collapse of a regime to whose survival we have committed so much. The good Vietnamese must prevail—inept, corrupt or oppressive as they may be—because the "credibility" of this government around the world requires that the bad guys be restrained. Any other outcome would dishonor America.

That is the fiction to which we have surrendered our sanity and self-possession. It is a fiction because it is based on unreality. National prestige does not turn on fidelity to a practice of making fools of ourselves. It turns on the intelligence of our choices, and then on how well we do what we choose to do. But the choice is always ours. The administration could choose to believe, and we never abandon hope that it will, that whatever the political future of Indochina, American prestige is not vitally at stake, the the fictions of the past can be safely interred, and that the Indochinese may be allowed to work out their problems in their own ways without peril to this country.

If the President were not so bemused by this fiction of prestige, the conversations at San Clemente this week would be quite one-sided, Thieu doing most of the talking. For Thieu needs a great deal from America if he is to hold onto what he has, while America needs nothing from Thieu that's worth having.

ITT Paper Shuffle

A new batch of documents dealing with the International Telephone and Telegraph Corporation released by a House subcommittee March 19 shows that we haven't inhaled the full fragrance of the scandal that briefly blossomed in the Kleindienst nomination hearings a year ago. The documents in question are notes taken by lawyers of the Securities and Exchange Commission based on memos supplied to them by ITT. Though they provide only secondhand information, the SEC notes show clearly that the memos they summarize have a direct bearing on the Justice Department antitrust suit against ITT, and the intense lobbying campaign by ITT that prevented it from going to trial. That is, the memos deal precisely with the key question asked in the Kleindienst hearings by the Senate Judiciary Committee, just the sort of documents the committee was looking for. What's intriguing is the way the documents have been shuffled back and forth, but never made public.

Several senators during the Kleindienst hearings asked ITT to hand over all memoranda that dealt with the antitrust suit and ITT lobbying against it. They were led to believe by news stories and by ITT that the relevant memos had been dumped into a shredding machine just before the scandal broke, and ground to bits. ITT said it had destroyed "several sacks" of memos—nothing the committee could have wanted—but just some material that might have been "embarrassing." What ITT didn't say was that memos on antitrust matters were still in their files, some of them filled with references to "John" (Mitchell) and Hal's meeting (Hal Geneen, president of ITT) and the "McLaren situation" (antitrust prosecutor McLaren was refusing to settle out of court).

No one would expect ITT to offer these memos without prompting, but in this case the committee had already done all the prompting legally needed to produce evidence. Besides the requests made by senators, the full committee on March 23, 1972 sent a formal list of papers it required from ITT—item number two of which asked for "all memoranda and reports reflecting ITT lobbying activities in 1969, 1970 and 1971, relating to the ITT cases or antitrust policy." All the memos mentioned in the SEC notes fall into this category, but only three were received by the Senate committee: the original Dita Beard memo published by Jack Anderson, the alleged "real" Dita Beard memo produced by ITT and an earlier, less controversial memo proposing several tactics for ITT lobbyists. In all three instances, the memos were made public after they had already been leaked. A very important memo omitted from the bundle of files ITT gave the Senate committee was one that dealt with an ITT "thank you letter" to Spiro Agnew "and a suggestion that Mitchell get the facts relating to ITT's position to MacClaren [*sic*]. . . . The attached memo outlines a meeting that

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had occurred on the previous Tuesday with MacClaren (Agnew)."

Why did the SEC get to look at the memos, but not the Senate committee? No one has explained this satisfactorily. The SEC had been investigating ITT's antitrust problems for about eight months when Jack Anderson published the Dita Beard memo and brought the Kleindienst hearings to the front pages. Staff investigators at the SEC looked at the Beard memo, decided that ITT was still holding back documents they needed, and demanded them. This occurred at about the same time the Senate committee asked for the documents, or perhaps shortly after. Instead of responding to both subpoenas, ITT gave some useless papers to the Senate and turned the hot memos over to the SEC. ITT's Washington, DC office estimates that this transfer to SEC took place in April or May, well after the Senate had asked for the information.

Judiciary Committee staff members learned during the hearings that the SEC was involved in an investigation of ITT, and on April 19 Senators Kennedy, Bayh, Hart, Burdick and Tunney asked for the SEC files and were refused. The senators didn't then realize the SEC was still receiving documents from ITT; they thought that all such papers had been handed over to the SEC months earlier, ground up in ITT's shredder or turned over to the Senate. Former chairman of the SEC, William Casey said he would not supply raw investigative files to anyone outside the commission. He didn't mention the fact that new data had been received since the resumption and as a result of the Kleindienst hearings.

The next stage in the document shuffle took place in the fall of 1972, beginning September 21. The House investigations subcommittee which oversees operation of the SEC asked to have a look at the ITT files in confidence. It had authority to do so because the SEC was created by an act of Congress; unlike the Justice Department, the SEC normally hasn't the clout to refuse such requests. Nevertheless SEC Chairman Casey did refuse, again on grounds that investigative files should not be made public. Representative Harley Staggers (D, W.Va.), the head of the House committee, insisted on seeing the documents. He got no reply until another week had passed, when the SEC informed him that the Justice Department had superceded his request by demanding the documents in a criminal investigation. Under oath Chairman Casey was asked, "Isn't it a fact that it was you who initiated the contact with the Justice Department, and it was on your suggestion that they agreed to accept the files?" Casey replied, "No. I didn't initiate the contact with the Justice Department. The Justice Department initiated the contact with me."

The facts seem to contradict Mr. Casey. It came out in hearings that he wanted to avoid giving the ITT files to Congress, and that in his dilemma he turned to the White House for advice. Casey had a meeting set up at the White House and on October 3, 1972 went to a conference with John Dean III, the President's counsel now implicated in the Watergate affair. Dean told Casey that he could safely give his files to the Justice Department without fear of legal reprisal by Congress. Casey called the Justice Department, according to spokesmen there, mentioned that he had the ITT files and said that he was willing to hand them over. The deputy attorney general with whom he spoke thought it was a good idea and asked to have them, although he must not have explained the transfer to staff lawyers, who weren't sure what they were supposed to do with the shipment when it arrived.

Within three days of Casey's talk with John Dean, the entire file of 34 boxes of ITT memos were in the Justice Department, where they now rest secure. In doing this Casey halted the SEC investigation of ITT in mid-course, but neglected to do away with the notes his staff had made. These were the notes subpoenaed by the House investigations subcommittee last year and released after careful review on March 19.

Conciliator Strauss

The Democrats appear to be looking more kindly upon each other these days, finding comfort in closeness and a common resolution that is inspired not so much by a common point of view as a common desire to be the holders of power rather than its critics. On the surface this togetherness was symbolized at the meeting last week of the Democratic National Committee. Decisions were quickly reached, usually by a unanimous vote of the full committee. Chairman Robert Strauss, in his opening address, intoned that the "winds of reason and moderation have cooled the overheated, emotional atmosphere . . . and the climate is favorable to begin to put the pieces back together." Nevertheless there were some sharp divisions in the closed meetings and it took all the skill of Strauss to keep them from breaking into the open.

Round number one was fought in the March 21 meeting of the executive committee when Strauss' list of 25 at-large members to be added to the national committee was considered. Eight of Strauss' nominees were blacks; however the black caucus wanted to replace two of them with its own choices. Strauss agreed. After that, members of the black caucus declined to consider a major overhaul of Strauss' list, an overhaul being urged by a moderate-to-liberal coalition.

It was a bit stickier when the executive committee dealt with labor. Al Barkan supplied Strauss with his preferred list of eight at-large members, none of whom had supported the McGovern candidacy and most of whom were state officials of the AFL-CIO and thus under the thumb of AFL-CIO chieftain George Meany,

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for whom Barkan is an errand boy. Strauss, upholding his deal with Barkan, his most powerful supporter within the party, told the executive committee Barkan was not only adamant about having all eight selected but had promised $200,000 for the DNC if all eight were delivered, and not a penny if only seven made it. Not on Barkan's list were such powerful unions as the Machinists, the Communications Workers and the United Auto Workers, all of which backed McGovern. Strauss, sensing trouble, made way for Floyd E. (Red) Smith of the Machinists and Joe Bierne of the Communications Workers by dumping two of his own choices. But a move by the executive committee to replace two of Barkan's hand-picked men with Olga Medar of UAW and Representative Herman Badillo (D, NY) failed 9-7, leaving the UAW without additional representation and the Spanish-speaking community with one fewer than the three places it was demanding. COPE leaders, furious over the executive committee's attempt to dump two COPE people, decided to try to purge seven executive committee members.

One of COPE's targets was George Mitchell, Maine's national committeeman. There were hints he'd better not run for office in Maine and a friend of his, a Maine lawyer, received a call asking if he "had anything on Mitchell" they could use. Governor Milton Shapp was contacted and, rather than risk alienating COPE the year before he's up for reelection, insisted that two Pennsylvania members of the national committee back New York's Joe Crangle over Mitchell. So it went, from region to region. COPE's arm twisting upset the Machinists, Communications Workers and Auto Workers, all of whom went to work for the members singled out to be purged. The end result: all incumbent members were reelected, including Mitchell, Colorado's Arnold Alperstein (he was a COPE target) and Dagmar Vidal of Iowa.

Strauss' care in making concessions at the right time left him in good shape with the majority of the members of the committee, while the tactics of Barkan's boys established them as the "heavies" once again, thus taking additional pressure off Strauss.

Law of the Land

There are over 10,000 governments in the United States which regulate how land is to be used, though much land isn't under any zoning restrictions at all. The pressure of the property tax is so heavy on most zoners that quick-buck, half-acre developers can often get almost any variance they need. The half-acre in question may have more than local significance, but there is usually no way to represent the interests of the whole region in one town's zoning game. Several bills now before Congress call for a national land-use policy, even if "national" is a bit of a misnomer. They are really acts enabling states to do planning review, leaving the vast majority of land-use decisions with the local governments.

The Senate bill passed last year would force states to acquire legal jurisdiction in four land-use areas—all but one of them pretty loosely defined. The first is "areas of critical environmental concern," for example wetlands, flood plains and shorelines for which state standards are necessary. The total land mass covered by this category will vary widely from state to state. The other three areas are far vaguer, overlapping and politically sensitive. They include decisions about where to site key facilities like shopping centers, airports and power plants; and perhaps more ambiguous, decisions that affect "uses of regional benefit," which would apparently take in such questions as the locations for waste treatment plants or low-income housing. It might be simpler to break down land-use decisions into two types: those that develop areas, like shorelines and wetlands, which states want to save; and those that exclude "uses," like power plants, from certain areas.

Land-use policy, a concept Senator Henry Jackson (D, Wash.) has tried for three years to translate into law, has broad but shallow support. Last session, as chairman of Senate Interior, Jackson put together a good nuts-and-bolts "procedures" bill for the states, without however committing them to follow any particular substantive policy; from a reading of the bill the Senate passed, one might not know it had anything to do with fair housing or power plants. But every legislator knows that somehow this bill will interfere with the property rights of homeowners and developers, as well as the zoning powers of towns and suburbs. Land-use planning could raise in complex form the problem of what constitutes a government "taking" and what is merely a proper exercise of police power.

Years ago the states gave away almost all their zoning authority, and now the federal government insists they take some of it back. Few states want to do any direct planning themselves, but they will probably have to set up some kind of appeals procedure from local zoning decisions. They must also make some statewide inventory of land uses. Some will be ready to call this a revolution in state government and can point even now to tough land-use controls restricting development in places like Vermont and Florida. But the land-use bills merely set the stage for conflict between state and local governments. They do nothing about the property tax, which is at the root of the planning problem. Behind every local zoner is a local chamber of commerce, everyone in wasteful competition with his neighbor to import certain land uses to build up a tax base and export those uses (usually environmental or social) that might weaken it. At $40 billion a year, the property tax almost forces rapid

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development, especially by the half-acre developers who keep leapfrogging ahead of the suburbs into cheaper open spaces.

But however politically nasty it may get, the states are being forced to plan. The federal government, for one thing, no longer wants to pour billions into states for highways and airports without knowing where they are going. The states themselves, heavily committed to more water quality control and more school building, have to know how many people they will have and where they're likely to be over the next 30 years. Special revenue sharing for community development will only accentuate the need for long range coordinated planning. The Nixon administration, though stingy with money for technical assistance, recognizes this and supports strong sanctions against states which fail to develop whatever it considers an "effective" land-use program. Though still a long way from a national growth policy, a subject the White House hardly mentions, the land-use bills and recent cries for a national energy policy show some in Congress are starting to look in that direction.

The Crime Committee

The House Select Committee on Crime, formed in May 1969, was charged to look into "all aspects and elements of crime" in the United States and to present the House "such recommendations as it deems advisable." The House went outside its standing committee structure in large measure because of the widespread feeling that the Judiciary Committee, then chaired by Representative Emanuel Celler (D, NY), had failed to use its investigatory powers to probe criminal activities. The select committee mechanism also had the virtue of by-passing the jurisdictional dilemma almost sure to result had one of the standing committees sought to preempt the field. Although "crime" might appear to be a natural for Judiciary, crime in the schools lies in the province of Education and Labor, and heroin trafficking would belong to Interstate and Foreign Commerce. The Select Committee on Crime, a temporary body initially given a two-year mandate, thus provided the House with a means to investigate what Americans had defined as our number one problem without provoking the sort of border war which could have been started had jurisdictional lines been crossed by a standing committee. In 1971 Chairman Claude Pepper (D, Fla.) won for his committee a second—and, as it turned out, final—two-year mandate.

Because a select committee cannot frame legislation, its principal function is informative. But Congress is so glutted with paper from its own committees, the executive branch and private groups it does not have the time to read, let alone digest, all of it. So information and recommendations by themselves must be regarded as ineffective vehicles for change, as the dust gathering on the reports of so many presidential commissions will attest. Precluded by charter from wielding legislative power, the crime committee chose to present Congress and the American public with a close-up look at crime in the United States, in the hope that factual and dramatic inquiries and reports would create a public demand for changes in law and its enforcement. To this end the committee succeeded, perhaps too well.

Following hearings in San Francisco and Washington in 1969, the committee issued its report on amphetamines. Because controls on the drug were so lax, American pharmaceutical houses and wholesalers were selling about eight billion doses a year when the legitimate medical need for this drug could be measured in thousands of doses. Export controls were essentially nonexistent. The committee found that Bates Laboratories of Chicago had shipped about 15 million doses of amphetamine to the post office box of a fictitious drug store in Tijuana, Mexico. Elsewhere millions of doses of the drug seized by federal officers in the United States still bore the brand name of the Mexican subsidiary of Pennwalt Corporation's Strasenburgh Prescription Products division. Because of such incidents Pepper sought to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to require that the drug be manufactured and sold under the strict security and recordkeeping controls of Schedule II of the act. Drug lobbyists and their congressional allies teamed up to kill the amendment. Two years later the Nixon administration put amphetamines under Schedule II and cut annual production quotas 82 percent; this year they were cut 60 percent from last year's level.

In its report on the heroin trade, the committee examined the records of corporations and retail outlets which sold products used to dilute and package heroin. Committee investigators found one drug store in Harlem which over a three-year period had sold four tons of mannite (a laxative compound often used to cut heroin), 40,000 ounces of quinine hydrochloride (another heroin diluent), 47 million small "glassine" envelopes (heroin "bags") and 55 million small gelatin capsules. Under questioning by committee members and counsel, the wholesalers and retailers were disingenuous: if the products were in themselves "legal," they asked, why shouldn't they sell them? Today 34 states have laws controlling heroin paraphernalia which were patterned after the committee's model law.

The committee held hearings in seven cities to learn about drugs in the elementary and secondary schools and found that barbiturates were as easy to buy at some schools as notepaper. Because virtually all such drugs originate in American pharmaceutical houses, the committee recommended that the nine fast-acting barbiturates, which are the ones most prone to abuse,

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be put under the strict controls of Schedule II of the 1970 drug law. These hearings also led the committee to conclude that TV advertising glorifying the magic of legitimate drugs could have harmful psychological effects on children. When it became known that the committee would recommend banning all TV drug advertising during the hours children would be most likely to see them, the networks, which would stand to lose hundreds of millions of dollars in painkiller ads, arrayed their guns against the committee.

The committee investigated two cases involving the conversion of worthless securities into cash and found that two of the nation's great business firms had, through their negligence, misled the investing public. The firm of Dun & Bradstreet, for example, had verified the nonexistent assets claimed by the fraudulent Baptist Foundation of America: an imaginary $19 million. In the other case, the committee learned that the accounting firm of Peat, Marwick, Mitchell and Company had accepted, without scrutiny, an outside auditor's report on Dumont Datacomp Inc. The auditor was later found to have been in collusion with the company in its illegal stock manipulation.

The House Select Committee on Crime collected powerful enemies. The lobbyists, of course, needed help on the inside to do the committee in, and they found no dearth of willing allies. Petty jealousies over the publicity the committee received, the ambition of the new Judiciary Committee chairman, Rep. Peter Rodino (D, NJ), and heavy ax-wielding by the House leadership combined to produce the not-so-clean kill.

MGA and Cancer

James Rowen's article in the March 3, 1973 *New Republic* brought out a number of facts about the hormone melengestrol acetate, MGA, a female cattle growth-promoting feed additive manufactured by the Upjohn Company. MGA has been sold since early 1968 despite its labeling as a "suspect carcinogen" (cancer-inducing agent) by a high Food and Drug Administration official, an ongoing animal test for carcinogenesis by the manufacturer, and long-standing Department of Agriculture criticism of the residue testing procedure that the FDA approved when it permitted MGA to be sold to cattle feeders. Applying industry figures for the cattle industry's use of MGA to Department of Agriculture livestock statistics, the hormone was used in production of approximately 10 percent of America's beef in 1972, or roughly 1.25 billion pounds of meat.

Upjohn's carcinogenesis study results were received by the FDA in 1972 and forwarded for evaluation to the National Cancer Institute (NCI). The FDA asked the NCI to determine from the test data whether MGA was carcinogenic. Requests from Consumers Union to examine the test data were refused by FDA, but the Upjohn Company, anxious to publicize its interpretation of the results, provided copies of the test data.

The test results are open to differing interpretations, as Upjohn officials concede, but one fact stands out: a "significantly higher" incidence of breast tumors was found following high dosages of MGA in the females in one of the two strains of mice used in the Upjohn study. The mouse strain, C3H, is naturally very susceptible to breast tumor development, so the National Cancer Institute reported to the FDA that it could make no flat, conclusive statement as to the carcinogenecity of MGA. A non-NCI government official who examined the data said that as far as he was concerned, "MGA was a suspect carcinogen before the test was completed and it's still a suspect carcinogen now." The National Cancer Institute recommended further tests to more precisely define MGA as either carcinogenic or noncarcinogenic.

Senator Abraham Ribicoff (D, Conn.), however, has heard enough. On March 20 he denounced the sale and usage of MGA and a host of other suspect carcinogens employed in the production of beef, poultry, pork, lamb and milk. In a speech on the Senate floor, Ribicoff charged that "it is clear that Government regulation of animal drugs is not protecting American consumers." Pointing to a continuing delay of nearly two years since the secretary of Agriculture promised him that a precise MGA testing method was to be forthcoming at an "early date," Ribicoff declared "during that time, MGA has continued to be licensed and used, while consumers have borne the risk that there are residues of MGA in their meat and that these residues may cause cancer."

Upjohn Company's Dr. Robert G. Zimbleman, who has described himself as "the main scientist" on MGA, and is the company's research manager, physiology and parasitology, strongly echoed the corporation's flatly stated position that "MGA is not a carcinogen." In two separate telephone interviews, Dr. Zimbleman answered affirmatively when asked if he was willing to state "categorically and unequivocally" that MGA was not a carcinogen. Dr. Zimbleman, who co-authored the Upjohn analysis of the test data which was supplied to the FDA, wrote that MGA might "perhaps" be termed "a co-carcinogen." A co-carcinogen is a substance, not itself carcinogenic, that combines with another substance and forms a carcinogenic compound. However the Upjohn study states that MGA cannot be "directly" called even a co-carcinogen. The firm theorizes that certain high dosages of MGA given to female C3H mice induces the release of a naturally occuring chemical that stimulates normal breast development. However the high dose of MGA is theorized to set up a "hormonal state . . . in the animal which interacts with a virus or certain genetic constitution to provide an increased incidence of mammary tumors in only certain instances." The Upjohn Company's theory

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about the indirect role its hormone plays in stimulating breast cancers in female mice is underscored by Dr. Zimbleman. "We're not inducing anything," Zimbleman said. "We're just allowing something that's there to express itself."

Upjohn's analysis also stresses that the MGA dosages given the C3H female mice which was associated with the "significantly higher" incidence of breast tumors—a dosage of 110,666 parts per billion—is so high that it minimizes the possible risk factor to humans. However standard carcinogenic testing procedures, followed by Upjohn, traditionally include the use of extremely high dose levels. This is because to extrapolate test results from two strains of mice (numbering less than 800 animals in the laboratory experiment) to a human population of approximately 200,000,000 individuals at best yields very uncertain conclusions. Two hundred and nine million people could have an infinite variety of physical makeups and therefore different susceptibilities to cancer. Some persons might develop a tumor after exposure to a very minute dose of a carcinogen, while others might require a massive level of carcinogen to produce a cancerous condition. So the FDA recommends to drug companies testing carcinogenecity that they use a wide range of dose levels, and animals of known differing susceptiblities. If a drug passes these tests, especially the hurdle of the cancer-susceptible strains, then a drug company could, as safely as possible, conclude that the product undergoing testing is not carcinogenic.

But in this case 55 percent of the females in the C3H strain receiving the high dose produced breast tumors, compared to 25 percent of the control group of C3H females and only six percent of the ICR females, the other mouse strain tested, receiving the same high dose. One government official, noting these figures, remarked that "the caution light is on," and disagreed with the Upjohn position that the data conclusively proved that MGA is definitely not a carcinogen.

The FDA must make the final and binding interpretation of the Upjohn study on MGA and decide if it should be labeled as a carcinogen. High officials, including FDA bureau of veterinary medicine's Dr. D. C. Van Houweling, have indicated that the FDA's decision is only a matter of a few weeks away. If the FDA rules MGA to be carcinogenic on the basis of the company's study, then it could be removed from the market if residues showed up in beef tissue samples. The currently available method for locating possible residues is sensitive only to a level of 25 parts per billion. Traces occurring at a level of less than 25 parts per billion would go undetected.

In addition to the Department of Agriculture's longstanding criticism of approval of MGA use based on a 25 parts per billion method, an internal memo prepared within the FDA bureau of veterinary medicine on September 27, 1972 indicted the adequacy of the MGA residue testing standard. Written by Dr. K. F. Johnson to Bureau Chief Van Houweling (and consequently called "the Johnson memo") the confidential study recommended requiring MGA to meet a five parts per billion standard, and lengthening the withdrawal period required for female cattle on MGA from 48 hours to 13 days. The "Johnson memo," the importance of which has been downgraded by Dr. Van Houweling, deplored the testing procedures and acceptable residue standards for numerous other livestock drugs. It ended with a warning which goes to the heart of the MGA question. Dr. Johnson wrote "unless FDA resolves this drug residue problem, we will soon be in direct confrontation with Congress and the consumers defending an untenable position. For FDA to ignore this problem would be disastrous."

Housing Slowdown

For 35 years the federal government has tried to encourage home ownership—tax deductions for mortgage interest and real estate taxes ("loopholes," if you wish), loan guarantees by the Veterans Administration and FHA, intervention in the secondary mortgage markets to assure a steady flow of lending funds, urban renewal, encouragement of longer-term mortgages and lower down payments. For the poor there has been subsidized low-cost housing and rents. In 1949 Congress set the goal of a decent home and suitable living environment for every American family. In 1968 it reaffirmed that goal and in the Housing and Urban Development Act adopted two new housing programs: Section 235 which had the federal government subsidize interest payments for lower-income families who bought their own homes, and Section 236 which employed a parallel interest subsidy for lower-income families who wanted to rent. That year Congress also set up a numerical national housing target: 26 million new housing units, six million of them for low and moderate incomes, over the next decade. Thanks to these programs and to an expanding economy and increasing personal income, home ownership has spread through the country. In 1933 about 35 percent of US housing was owner-occupied; the figure today is between 65 percent and 70 percent.

Nevertheless a decent place to live for everyone is still not within reach. The 1970 housing census showed that 4.7 million year-round housing units lacked some or all plumbing and that another 4.5 million units were overcrowded. Among the 27 million housing units more than 30 years old, many had such bad plumbing facilities they were considered unsafe for reasons of health and safety. The target production of 2.6 million units in each year of the decade hasn't been met. The

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target of 600,000 low- and moderate-income housing units in each year through 1978 is far behind schedule. A recent report on "Housing Subsidies and Housing Policy" by a joint congressional economic subcommittee pointed out that the annual number of federally subsidized new and rehabilitated units for the low- and moderate-income families "seems to have passed its peak and [appears] to be moving downward." The figures are 226,000 such units in 1969, 471,000 in 1970, 472,000 in 1971 and about 380,000 in 1972. The outlook is for only 250,000 in 1973 and 1974.

This slowdown comes at a time when more and more American families are being priced out of the private housing market, even housing backed by VA and FHA guarantees. It's estimated that 45 percent of families now don't have the annual income to buy a privately built house. The median cost of a new, single-family house last December was $29,500 and most likely is above $30,000 today.

Subsidized housing has not been without scandals. The housing has in some cases been overpriced and rehabilitation of older homes has been shoddy. Foreclosure rates in some areas (particularly Detroit) have been rising. So have annual housing subsidy payments, to about two billion dollars, and there have been political pressures to seek less costly methods and programs. The recent rise in private housing starts (2.4 million last year) prompted superficial skepticism about the need to continue subsidized housing. And as the economic subcommittee report puts it, "new mortgage market mechanisms that have been created to improve the supply of mortgage funds from the general capital market, when necessary, have added to the sense of euphoria about housing production in the future." But here it should be pointed out that the outlook for private housing starts is for a decline of about 200,000 units this year from 1972. It also should be pointed out that the taint connected with the subsidized programs has been relatively minor; default on rehabilitation loans, for example, has been less than one percent on a national average.

Now comes the Nixon administration with its decision to halt new subsidized housing starts pending a review and analysis. Projects already contracted for and committed will go forward, and James T. Lynn, the new secretary of Housing and Urban Development, has said that the administration will come up with new proposals to prevent a complete drying up of subsidized housing starts in the future. The President has pledged a new approach within six months. But housing commitments are long-range, and it's doubtful if builders will commit themselves to new starts as long as the administration freeze is on. In one of his serialized radio reports, Mr. Nixon charged that federal housing programs for the poor have been "outmoded" and "ineffective," that they have been "turning the federal government into a nationwide slumlord." Kenneth R. Cole, director of the Domestic Council, wrote Chairman John Sparkman of the Senate Banking Committee that they haven't helped the poor and that "there is mounting evidence that the present programs for the most part have proven inequitable, wasteful and ineffective in meeting housing needs." No specific evidence was provided.

Nor was any specific example of outmoded and ineffective results brought before the joint economic subcommittee headed by Senator William Proxmire. George Romney, former HUD secretary, would not testify and Secretary Lynn pleaded (in Senator Proxmire's words) "ignorance because he is new." "No one," Senator Proxmire charged, "comes forward with evidence to support the administration's action." The impression left, and it is a wide impression, is that the White House lacks any firm commitment to help the poor and lower-income families (and even some middle-income families) get decent housing. The subsidy moratorium also has been cited as another excessive and unconstitutional assumption of power by the White House.

The question arises also as to why the administration didn't act sooner. It has been administering the "outmoded" and "ineffective" housing programs for four years. Even Mr. Romney has said that it "became crystal clear" as early as 1970 "that the patchwork, year-by-year piecemeal addition of programs over a period of more than three decades had created a statutory and administrative monstrosity that could not possibly yield effective results with the wisest and most professional management." Yet it wasn't until last January that Mr. Nixon acted, although he had asked Congress to authorize a review of the subsidy programs. The Senate voted for the review, the House did not. Senator Proxmire, probably with political partisanship but also with economic justification, charged that the administration "killed Federal low and moderate income housing programs in an attempt to cover up their own mismanagement."

It does seem strange that the White House, which boasts of its management capabilities, waited so long to undertake its analysis. The figures cited above prove that the need for federally assisted housing is there more so now than before in light of rising prices on private housing—owner-occupied and rental. The Section 235 program, for example, gave a federal leg up to those who wanted to help themselves—wanted to use what little they did have to buy a home of their own. Mr. Nixon in his second term has stressed that's what he likes to see in his country. But in the subsidized housing field, the administration seems to have used a meat ax when a prod here and there might have done just as well and probably better.

Robert W. Dietsch

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Children on the Road

Of all the deprived most likely to slip between the cracks in the New Federalism, migrant children are among the more poignant, 400,000 of them trekking from one tarpaper shack to another, from classroom to classroom, from field to field as their parents seek work. If the President is looking for stellar examples of Americans who prefer backbreaking stoop labor to welfare, he has it here: migrant families that follow the crops in three "streams"—up from Florida on the Atlantic Coast (most black and Puerto Rican); up from lower California on the West Coast (most Mexican-American); and up from South Texas and fanning out into Colorado and the mountain states, and into Michigan, Wisconsin and other parts of the Midwest (also most Mexican-American). These families make around $3600 a year on an average, and their children bear the weight of their struggle.

Their problems are different not only from those of suburban Johns and Janes, but different from those of other poor children who stay put. Moving "up the stream" in their flat-bed trucks or tumbledown cars or converted school buses, in and out of some 8000 public schools, the migrant children find it hard to keep up with their peers or form ties with teachers or schools or classmates. Their achievement level is only about a third of the national norm in reading. The dropout rate is high. At each new stop pressure mounts for needed cash which older schoolchildren can earn in the fields. Many older boys and girls in large families must take care of the younger ones while parents work. There are language barriers (75 percent of migrant children have parents who speak little or no English). Teacher, counselor and principal have few clues about a child who arrives in classes not sure about what subjects he has studied or what diseases he has had or has been immunized against.

These children could only benefit substantially from the massive federal educational programs if funds were earmarked for them. So in 1966 Congress amended Title I of the Elementary and Secondary Education Act, and beginning in 1967 funds were allocated to 48 participating states under a precise formula. The Office of Education channeled this money ($58.1 million this year) through state educational agencies which in turn distributed it to local agencies operating some 1400 migrant projects.

This has been the ultimate in "categorical" grants. A state agency cannot get funds unless it uses them for projects designed "to meet the special educational needs of migratory children of migratory agricultural workers": remedial instruction, prevocational training and counseling, cultural development, classes in language arts, health, nutritional and psychological services. "Formerly migrant" children may be admitted, if their parents agree, for five years after they stop migrating, but "true migrants" are given priority. In practice about 85 percent of the funds have been spent on early preschool and elementary education. Special summer schools seek to attract children from the fields, a computerized migrant student record transfer system attempts to keep track of their records.

Hardly anyone claims complete success—the problems are too overwhelming, too deeply rooted in the facts of migrancy and the culture of poverty; the central federal role too weak and the basic program goals too ill-defined. Indeed a few years ago the best informed nongovernment group concerned, the National Committee on the Education of Migrant Children, monitored the program with Ford Foundation funds and found it inadequate: for example there was insufficient staffing and an abuse of educational planning and individualized instruction.

Nevertheless the investment was beginning to pay off. Explaining that half of Florida's migrant children money is spent on early education, Dale Hilburn, director of the program in that state, reports that whereas only 20 percent of the children used to have a reasonable chance to make it in school, now 40 percent of the five- and six-year-olds who have had one year of early childhood migrant education, and 67 percent of those who have had two years, are likely to succeed in the upper grades.

The question now is not whether to improve the program; it is whether to continue it. No funds for education of any disadvantaged children, much less migrant children, appear in the President's 1974 budget. Their future well-being will depend on some as yet unclear special education revenue sharing, which will have to compete within each state with other similar programs. Migrant kids and their families have no big-city mayors, no strong national lobby to speak for them. Such money as survives for the education of poor children is likely to find its way into the great cities, where of course it is needed too. Even school boards in smaller rural areas are not likely to allot scarce funds to migrant children.

A group of 17 state migrant education program directors supported this view in testimony last February 22 before a House Education subcommittee. No wild cries for localism or anguished attacks on federal "control" were heard. "If you go to revenue sharing," explained Dale Hilburn, "and I don't know what that means other than it would be left up to the local district to decide how the funds would be spent, then the migrant child would be right back where he was in 1965 and previously, with no concern for continuity of education for that child as he moves from one district to another and one state to another."

To those who enjoy three meals a day and sleep in the same warm bed night after night, the sights of a migrant center like Belle Glade, Florida are shocking. Words like "deprivation" fail to describe the broken down cars and shacks, without toilets or stoves. At the

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moment the children in migrant education trailers outside Lake Shore Elementary School get enough to eat each day, and if they need clothes, they get them; and they are beginning to read! Surrounded by the whole panoply of the modern nursery school—brightly colored blocks and toys and musical instruments and various equipment bought with program funds—they are off to a good start. It will be up to Congress to decide whether the good start is to be stopped a year or two from now. For Congress must either continue to earmark funds for migrant education or put its faith in the mysteries of the New Federalism.

Natalie Davis Spingarn

The Risk Market

Improvident Life, Inc.

by Eliot Marshall

Ralph Nader has cast a baleful look at the insurance companies and certified them as sufferers from an edifice complex. It's a sound diagnosis. With the thousands of intricate policies now on the market, insurance companies have learned that the best way to attract customers is not to explain their product but to create a bold image; for example by lifting up a tower of concrete and steel. As Nader says, the competition is more symbolic than significant.

Senator Philip Hart (D, Mich.), chairman of the Senate antitrust subcommittee, opened the first government investigation in February that will examine competition in the sale of life insurance. Though undramatic the first hearings questioned some basic assumptions of the insurance industry, setting a tone that's bound to make the committee's progress slow and controversial. (Hart took up auto insurance in 1965, and the bill that came out of that study setting standards for no-fault insurance has yet to pass Congress.) The purpose of new hearings will be to design standards for life insurance, or as Hart said, to see whether we need a "truth in life insurance bill."

Most failures in the present system derive from people's confusion about the purpose of insurance, and the eagerness of salesmen to confuse them yet further. The power of befuddlement is important in this industry, as in others, for a confused buyer is incapable of distinguishing a bad deal from a good one.

The essence of every policy is a certain amount of pure "death protection," also called "term" insurance that covers the inherent risk in the contract. This is the gambler's part of the agreement, designed so that for a small fee the policyholder can buy a chance for his relatives or friends to collect a much larger sum in the event of his death. It's relatively easy to figure the true cost of this protection if one knows the age and sex of the insuree, the probability of death in the given area. By spreading the risk over a large number of people, and over a period of years, the company guarantees that it will have enough assets to pay out the small number of death claims made against its account each year. The problem with this kind of insurance is that it's so very simple and predictable that companies have decided that it's not so profitable as they'd like. If they sold nothing but term insurance, it would be easy to see how efficiently they spend their income; competition would be stiff, profits slight. As president Edward Bates of the Connecticut Mutual Life company said, "No agent, manager, general agent, or agency system can live very well on the commissions from only term insurance."

So in addition to selling death protection, most companies today also act as unchartered savings banks, collecting billions of dollars for five, 10, 20 years and longer, and often paying less than the going bank interest rate for the use of this money. A study printed in 1968 showed that of 88 companies reviewed, only nine paid back an interest of five to five and a half percent, the common savings rate. The mean return was 4.1 percent, and one company paid less than one percent. This in a crude way describes the kind of transaction involved in "cash value" life insurance, known also as "straight" or "ordinary" insurance. Cash value policies were first recognized by law in this country in 1880, and since then have become the most popular and profitable plan available. In 1971 (the latest data) there was $789 billion worth of "ordinary" insurance in force, 52 percent of the more than $1.5 trillion value of all kinds of life insurance then in effect.

Insurance companies have learned to capitalize on

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their customers' ambivalence by offering cash value policies that promise to pay "life benefits" to the policyholder who survives long enough, and "death benefits" if he dies. In effect the contract is a tacked-together combination of a savings plan and an insurance plan, requiring high premium payments in the early years, but costing less than simple term insurance in later years. The buyer pays large overcharges in the beginning and later receives the money back as "dividends," or as a cash-in value should he wish to terminate the contract. Nader points out that this is precisely opposite the pattern of a young family's needs: Most heavy expenses come early in life, when cash value policies demand the greatest overpayment. The most convincing defense of this form of insurance is as a forced savings plan for people who would otherwise fritter away their earnings.

Although the debate over cash value and term insurance will haunt the Senate investigation, it isn't the key issue. The key issue is disclosure. Even if a potential customer knew precisely the policy he wanted to buy, he would have no way of knowing which company would sell it to him for the lowest price. The federal government doesn't regulate insurance, and because the states haven't tried to standardize policies, there's no national or statewide yardstick by which to judge the true value of any policy. Each company puts out a baffling variety of contracts, any one of which may or may not be comparable to those offered by its competitors. There is an apparent but misleading competition based on the amount charged in yearly premiums, but this gives no clue to the real cost hidden behind "dividends" and other financial gimmicks.

Pennsylvania's insurance commissioner, Herbert Denenberg, drew up what he calls a "shopper's guide to life insurance" based on policies offered in his state in 1970. He used as his test model a $10,000 straight life policy sold to a man at three different ages (20, 35 and 50). He then ranked 166 companies according to what they promised to pay back on the premium paid in. Instead of calculating cost by the traditional "net cost" system used by most companies today, he used the newly devised "interest adjusted" method that takes into consideration the interest the money would have earned in an ordinary savings account. "Net cost" only considers sums paid in by the policyholder and sums paid back by the company; the element of time is ignored.

Denenberg found a variation of 170 percent between the true cost of a policy at age 20 sold at the best price (Connecticut Mutual, at an average of $22.40 a year) and the worst price (Georgia International Life, at an average of $61.00 a year). Yet despite this enormous gap, the Georgia firm had a lower advertised premium ($119.20) than the Connecticut firm ($135). On the other hand, choosing two companies that quoted the same premium ($155), he found that one charged a true annual cost of $22.90 (Central Life of Iowa), and the other $55.70 (State Life of Indiana). In most cases the premium is the only competitive cost factor the customer is allowed to see.

Although it provides only a narrow window on the insurance industry, Denenberg's guide has exposed the disparity between insurance premiums and prices, and encouraged people to look more closely at what they're buying. Professor Joseph Belth of the Indiana Business School, who began working on this problem earlier, devised a more sophisticated cost calculation system that in the end may prove more useful. Belth believes that companies should give the policyholder a two-page summary of all costs and benefits under a given policy *before he agrees to buy anything*. The charts would be simple, standardized and readable, showing exactly what would be required each year, and the portion of each year's payment that would go into company overhead, pure protection, savings and projected cash returns. It would include an important figure giving the ratio of benefits paid out by the company compared to the amount paid in by the customer, so that more efficient policies would get higher ratings.

Insurance buyers don't have this sort of information now; they can only guess how much of their premium pays for the agent's commission and other company costs. It would be a modest reform to ask companies to explain what they're selling, and to do so on a standardized form. So far most have opposed or remained indifferent to requests for making their sales presentations more accurate. Few companies have agreed even to use the "interest adjusted" method as one of the ways their agents may describe policy costs. None uses Belth's system. Of the 1805 life insurers in the US, Belth told the Hart committee, "about 1700 companies and about 200,000 agents have not reacted at all."

Their silence is understandable. If people were allowed to see how their premium dollars are spent, they might learn, for example, that the agent's fee usually takes 55 percent of their first yearly payment on a cash value policy and 35 percent on a term policy. These maximum commissions were established by the State of New York. Forty-seven other states do not set any maximum commission, and about 40 percent of the life insurance in the country is altogether free from this sort of regulation. Thus the total sales charge for cash value policies usually runs between nine and 17 percent of the total cost over the life of the plan. By contrast, the Securities and Exchange Commission limits the total sales charge on all mutual funds to 9 percent, and forbids the salesman to collect more than 50 percent of the first year's payment as commission.

People might also be taken aback to learn how little of their payment for a cash value policy actually goes into death protection. Professor Belth analyzed a Northwestern Mutual "whole life" policy issued in 1970 for $25,000 and demonstrated that of the $7240 paid as premiums only 17 percent went to protection,

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16 percent went to the company, 31 percent accrued as savings and the largest amount, 36 percent, was returned over the years as overcharge or "illustrated dividends." Very often these "dividends" and cash-in values don't begin to reach a respectable size until late in the life of the policy—another large factor in judging the true cost of a policy.

Although insurance companies don't like to talk about it, they make a great deal of money on policies that are bought and dropped within the first or second year. According to tables drawn up by Equitable of New York, as much as 35 percent of young customers drop out in the first two years, a time when many policies pay little or no dividends or cash refunds. Belth would like to have tables of these "lapse rates" made public, along with other statistical information used in figuring costs.

There have been other suggestions for improving sales practices—for example asking agents to pass a standard exam or doing away with unequal commissions that favor cash value over term insurance. It's also been said that since insurance companies are allowed to hold savings, savings banks should be allowed to sell insurance. This would make the business more competitive, probably eliminate unreasonable commissions, and encourage development of simple plans and standard contracts. But it will be a long time before anyone is ready to make changes like these, and when the Senate hearings resume in May or June, the insurance executives will be there to show why.

Indians On and Off the Reservation

From Wards to Freemen

by Paul R. Wieck

Back in the mid '60s, the debate over which schooling offered by the Bureau of Indian Affairs (BIA) was better—on-reservation or off-reservation public schools or boarding schools—finally reached the Senate Interior Committee. Senator Clinton P. Anderson (D, NM) who has long considered himself a friend of the Indian, asked the Indian commissioner to supply comparative figures on which schools graduated the highest percentage of its Indian pupils and sent the most on to college. The commissioner replied that he was "very sorry," but BIA hadn't kept statistics of that nature, and so it couldn't accommodate the "distinguished senator." Anderson's jaw dropped in disbelief. Then, angrily he demanded to know just what the bureau *had* been doing.

The statistics give us part of the answer: The infant mortality rate for Indians is 30.8 deaths per thousand live births compared to 20.7 for all races; the average age of death for Indians is 46.1 years compared to 65 for all races; the average Indian family of five or six lives in a one- or two-bedroom house, 24 percent of which lack running water and adequate sanitation facilities; 50 percent of Indian students drop out of school before graduation and the average number of years of schooling completed by Indians is 8.4 compared to the national average of 10.6 (1971 figures); unemployment runs as high as 60 percent on some reservations during winter months; income is under $2000 in 50 percent of Indian households.

And so we come to Wounded Knee and the bitterness between brothers of the once-proud Oglala Sioux nation, driven from its ancestral home in the Black Hills and consigned to the wretched poverty of the bleak and windswept prairies that extend from the Badlands of South Dakota. The tribe has long been faction-ridden. It has never reelected a tribal chairman for a second two-year term since its tribal organization was set up under the Wheeler-Howard Act of 1934. And today the controversy between the tribal chairman, Richard Wilson, and the leaders of the American Indian Movement (AIM) both on and off the reservation, lays bare a growing schism in the Indian community all across the country.

Since the Wheeler-Howard Act, organization in the Indian community has been along tribal lines—478 tribes and groups recognized by the federal government and 52 not so recognized, widely dispersed and varying greatly in culture and wealth. At a national level this basic tribal structure has been maintained. The National Congress of American Indians (NCAI), represents tribes, not individuals, and the National Tribal Chairman's Association (NTCA), organized

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only a couple of years ago, follows the same pattern. Indians have had little person-to-person contact with those of other tribes.

But things have changed in the nearly 40 years since the Wheeler-Howard Act. The 1970 census found only 488,000 of the 827,000 Indians living on or near a reservation and thus eligible for the benefits of BIA programs. Most of the others are in the cities, many huddled in urban ghettoes and living on welfare, but outside the mainstream of city life. This demographic shift, combined with a growing militancy among all minority youth, has generated new political steam within the Indian community.

The first new group, the United Native Americans (UNA), was organized by Lee Brightman, an ex-football player from Oklahoma who was attending the University of California in Berkeley in the late '60s. It was set up *across* tribal lines, soliciting individual memberships from Indians and freeing itself, to a large degree, from the traditional pressures of the tribal structure. There followed the American Indian Movement (AIM), from whom we are hearing at Wounded Knee. Urban-oriented at its inception, it also cuts across tribal lines. The threat this has posed to the reservation Indian and his leaders is obvious.

Chairman Wilson's fight with AIM started long before Wounded Knee. AIM's leaders first came last year when Raymond Yellow Thunder, an Oglala Sioux, was killed in nearby Gordon, Nebraska. AIM led several hundred Oglala Sioux to the courthouse in Gordon to ensure justice at the trial of the white man accused of the murder. They were openly critical of Wilson for not being more militant on that occasion. When trouble later broke out in nearby Custer between AIM members and local authorities, Wilson reciprocated by offering local white authorities the help of the tribal police to maintain order, thus pitting Indian against Indian and outraging AIM supporters everywhere.

Wilson's fellow tribal chairmen were quick to rally to his side when the trouble started at Wounded Knee. Webster Two Hawk, chairman of the neighboring Rosebud reservation and head of NTCA, said that there's "no way we can allow this takeover; we have to stand for self-determination." William Youpee, the executive director of NTCA, wrote Chairman Henry M. Jackson (D, Wash.) of the Senate Interior Committee that "we are dismayed that responsible officials only react to militant groups, whose leadership is made up of self-seeking, self-styled, self-appointed Indians who have no license to speak for reservation Indians, and listen to their unreasonable and irresponsible demands and appear to put much credence in them."

After some dilly-dallying, the Nixon administration finally came down firmly on Wilson's side. Secretary of the Interior Morton said that "The occupation of Alcatraz, Nike sites, the federal office building in Washington, the village at Wounded Knee and others all fall into it. Their effort is symbolic rather than substantive. They believe that the pursuit of their cause transcends their criminal methods. Their demands are vague and change from day to day. They do not represent a constituted group with whom the government can contract or can serve." All that may be true but it doesn't address itself to the *fact* of rising Indian militance or the reasons for it or the remedies for cooling the fevers.

Agitation against the BIA had been mounting over the years, and one can understand why. The bureau is a professional bureaucracy, on the whole comparable to the British colonial service—meaning well, as Theodore Roosevelt said of a fellow politician, but meaning it feebly; humane but seldom mingling with its charges after the cocktail hour, returning home after years of service loaded down with artifacts picked up from sojourns among the "natives."

I recall a friend who went to the Navajo reservation to make the first contact for VISTA. She deliberately sidestepped BIA officials, telling tribal leaders not to inform them where the meeting would be. She opened the meeting by telling the Indians it was "a historic occasion" because, for the first time in years, the Navajos were gathered to make a decision without their keepers on hand to offer guidance. The Indians were charmed; the BIA was not. But before long some revealing stories were surfacing. One VISTA volunteer serving as a schoolteacher on the Navajo reservation went to see her pupils and meet their parents in the evening and was told she was the first teacher to show enough interest in her pupils to come to their homes. That nearly a century after BIA took over the Navajo reservation.

By the late '60s the challenge to the bureau was out in the open. Weldell Chino, chairman of the Mescalero Apaches, took the lead as NCAI president, demanding that the BIA be partially dismantled by the elimination of district offices so that a direct line of communications could be set up between the reservations (each has a BIA establishment) and the policymakers in Washington. He criticized the Interior Committees of both branches of Congress as "land oriented" rather than "people oriented" and suggested Indian matters be moved to a special committee modeled after the "select" panel on Indian problems chaired by Senator Robert F. Kennedy (D) before his death and then taken over by his brother.

Chino was quite right in fingering the congressional committees as "land oriented"; time and again, the Indians have been used to promote new reclamation projects, once it became clear that almost anything could be moved through Congress if a little something for the Indians was tucked in on the side. The end result: the white man's projects, particularly in the West where most of the reservation Indians live, have appropriated much of the water and the Indians stand in

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real danger of ending up with a very small share of the most vital resource in that arid area of the country. It caused a minor uproar a couple of years ago when a career attorney in BIA, William Veeder, charged the Department of Interior with failing to protect Indian water rights and the Nixonians in the department tried to exile him to Phoenix. On this occasion the bulk of the tribal chairmen stood behind Veeder.

The Nixon administration has shown a partiality for Indians who are so assimilated they are indistinguishable from the prototype of this administration—successful, upper middle class business or professional men with a conservative life-style. It took them a while to find one as BIA commissioner. Finally they located Louis Bruce, a retired businessman living in Greenwich Village. The day he was presented I asked him if he had a political preference. In the almost artless way that later made him a favorite among reservation Indians, he replied: "I'm a Republican and judging by the length of time it took to find me, I guess I must be about the only Indian Republican in the country." Not so. They'd already found Brantley Blue, a Tennessee lawyer who couldn't remember at first the name of his tribe (he's a Lumbee from North Carolina, the largest of the "unrecognized" tribes) and named him to the Indian Claims Commission. If possible, Blue is more assimilated than Bruce.

"This damn teepee leaks."

Then began a strange dance at Interior. Bruce toured the country, ingratiating himself with Indian leaders and promising almost anything, only to have Assistant Secretary of Interior Harrison Loesch, a water attorney from Colorado's western slope, say "no, no, no." Finally Loesch disassembled the staff of young activist Indians that Bruce had put together and sent a career bureaucrat with Indian lineage, John Crow, over to run BIA as Bruce's assistant. The bureau limped along until the end of 1972 when AIM leaders led a group to Washington to occupy the BIA headquarters. In the aftermath, Loesch, Bruce and Crow were all fired. The administration has yet to restaff BIA.

One legacy of the Bruce days at BIA, however, is the dusting off of a fairly good legislative package by the administration, which it has presented anew in the aftermath of Wounded Knee with hints that the trouble in South Dakota might not have happened if the Congress had acted earlier. The program is popular with Indian tribal leaders and includes: elevating the BIA commissioner to assistant secretary, so there won't be another Loesch between him and the top man; creating a trust counsel to provide independent legal help (Indians from tribes too poor to have their own attorneys now must rely on the government attorneys who are often faced with a conflict-of-interest if the Indians are quarreling with an agency like the Bureau of Reclamation; also Indians are wary of government attorneys when critical matters like water rights are involved); setting up a contracting authority to allow tribes to assume control of BIA services funded by the federal government, thus making the BIA bureaucrats employees of the tribe rather than of the government; and finally new financing legislation.

It's just possible the militants at Wounded Knee have given their political foes within the tribal structure the leverage they need to force the white man to deal realistically with Indian problems, and money in this instance isn't everything. No one would claim Indian programs have been generously funded, but they haven't been starved. For fiscal year 1974 Nixon is seeking $1.45 billion (that averages out better than $3000 per Indian and is a 15 percent jump over FY73). Over the years countless billions have been poured in, most of it to provide BIA services such as education and health care.

Congress in 1946 set up the Indian Claims Commission with a 10-year life span to settle aboriginal land claims, a difficult and tedious job. After 25 years it still hasn't completed its work. Thus far 387 of 611 claims have been disposed of with judgments of $490 million made to 211 claimants. The commission denied 176 claims and 224 are still pending. The commission has put a half-billion dollars into the reservations, some of it paid out on a per capita basis, some retained as working capital by the tribes.

All the tribes are not as poor as the Oglala Sioux of

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Wounded Knee. The Navajos, once poverty-ridden, made a financial comeback in the post-World War II era with the discovery of oil, uranium, helium, gas and coal under their reservation lands and have had as much as $80 to $90 million in the tribal trust fund at times, giving the nation's largest tribe (some 125,000) the resources to promote some of its own economic development.

The key is a combination of Indian self-determination, backed up by a firm commitment by the federal government to protect Indians from exploitation of their natural resources and generous funding of their attempts at self-help. If Indians are not treated as federal wards but given discriminating assistance, they can make their own way out of the isolation of a traditional and very conservative culture into a technological society, and at a pace of their own choosing. It's a course beset by all kinds of difficulties, but they're difficulties the Indians themselves understand far better than the most indulgent of their white friends. For instance, how many whites can understand the differences between the needs of the Oglala Sioux, driven from their ancestral lands and consigned to poverty, and the Pueblos whose settlements which dot the Rio Grande remain in the same place their Spanish conquerors found them late in the 16th century?

The biggest mistake which could be made as the Indians emerge from nearly a century of political and cultural oppression would be for the white man, no matter how well-meaning, to take it upon himself to choose sides in intratribal conflicts such as that at Wounded Knee.

"Watch What We Do"

More Watergate Lies

by Walter Pincus

Details of Republican espionage and sabotage against Democratic presidential candidates and the national party organization in 1972 have been surfacing, bit by bit, for nine months. The public eye has always been on the break-in at Democratic national headquarters in the Watergate building, but the planned GOP effort went far beyond that. It included bugging of other Democratic facilities in Washington and Miami; preparation of false campaign material; recruitment of workers to infiltrate and spy on Democratic candidates and peace groups; hiring of zealots to wreck campaigns, and even organization of strong-arm groups to create public incidents and demonstrations.

After June 17 when capture of the Watergate burglars alerted the nation and the Democrats to what was underway, a new GOP campaign began, this one undeniably based in the White House. It was—and is—a cover-up extending to the operations of the FBI, the US attorney's office and the US District Court; in brief, the criminal justice system. Now a new grand jury investigation and Senator Ervin's Select Senate Committee are looking into both the original political espionage and sabotage and the cover-up. Last week, according to Senate sources, the select committee learned from one of the convicted conspirators, James W. McCord Jr., that he, McCord, was told that the bugging plans were known in advance by former Attorney General John Mitchell, presidential counsel John W. Dean III and former White House assistant Jeb Stuart Magruder. Using information already on record in the courts and on Capitol Hill we are beginning to be able to ask some of the right questions and get a few answers.

Question number one: Did E. Howard Hunt, Jr., one of the convicted co-conspirators, go back to the Executive Office Building (EOB) next door to the White House in the early morning hours of June 17 last year, after five of his colleagues were unexpectedly caught by police while busting into and bugging the Democratic National Committee's Watergate headquarters? Did he from there inform *his* superiors, still unnamed, of what had happened? Were plans worked out that weekend within the safety of the White House office complex to conceal any connection between the Watergate burglars and the President, his immediate staff and top political advisers?

Until the June 17 break-in, Hunt—though off the payroll since March 29 as a White House consultant—still regularly used a special office on the third floor of the EOB. He had a White House pass and a key to the

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office, which was normally locked in his absence. He had a telephone there with a direct dial White House number—456-2282. That was the number listed next to Hunt's initials and the notation "WHouse" found in telephone books taken from two men caught inside Democratic headquarters. (It is worth noting that the toll charges from Hunt's phones were made exhibits in the court case—all, that is, but those from his White House phone.) White House operators normally rang the 2282 extension when calls came for Mr. Hunt through the switchboard. When that number failed to answer—Hunt did not have his own secretary—the caller was switched to the office of White House aide Charles Colson, where a message would be taken. (On June 19, a *Washington Post* reporter called the White House and was given Colson's secretary who said she would take a message for Hunt.) There was also a safe in Hunt's office, one over which according to a court affidavit, Hunt maintained "exclusive custody and control."

Some federal investigators and prosecutors believe Hunt did go back to his EOB office either immediately after the break-in was discovered or the next day to clean out his desk and place any incriminating evidence in that locked safe. And yet Hunt's White House office and his White House associations got very casual investigation. The US attorneys prosecuting the Watergate case reportedly never pressed this inquiry because they did not believe Hunt would have had to sign in at the guard office, since he had a pass. So there was nothing that could be found out. At his Senate Judiciary Committee confirmation hearings, L. Patrick Gray III, the President's nominee to be permanent FBI director, floated above the question of why he had not pressed the matter: "Well, yes, you can look at it now and say it would have been quite important, but I would still say that you have to place some kind of reliance on the security of the White House and the security afforded to presidential papers." Hunt apparently felt the same way. The FBI *never* has been allowed to inspect Hunt's office.

About 5:30 pm on the afternoon of June 17, FBI agents called Hunt at his Potomac, Maryland home and asked if they could interview him. When they arrived shortly thereafter, Hunt refused to answer any questions about the break-in without the presence of legal counsel. The agents reported that to the Washington field office. Sometime between 6 and 7 pm that evening, the agent in charge of the Washington field office called the White House, spoke with Alexander Butterfield, then an assistant to H. R. Haldeman, told him Hunt was involved in the Watergate (and perhaps that he had refused to answer FBI questions), and asked what Hunt's employment was in the White House. Butterfield reportedly told the agent that Hunt had been employed as a consultant some months ago, but he would check.

About this time an FBI fingerprint check turned up the fact that one of the men caught at the Watergate, who gave the name Ed Martin, was really James McCord, Jr., a former FBI agent then employed with the Committee to Re-elect the President. That information was telephoned to Gray who was on the West Coast. Also in the late afternoon or early evening, according to a court deposition, John Ehrlichman telephoned Colson at the latter's home, saying he was looking for Hunt since he seemed to be involved. Colson stated that was the first he had heard of it.

On Sunday June 18 W. Mark Felt, number two man at the FBI, called Gray, who was still in California, to inform him of Hunt's participation in the affair and probably about his refusal to answer questions.

In their Sunday morning papers that day, the public got its first full look at the men who had been caught at the Watergate office. The Associated Press discovered what government investigators already knew, that McCord was director of security for the Committee to Re-elect the President. GOP campaign officials were asked to comment. John Mitchell, the campaign manager, was in California along with his top deputy, Jeb Stuart Magruder. The President and his entourage were in Key Biscayne, Florida, so that if there was one time when it could be said that a decision was made to design an administration response it was that Sunday. In the afternoon two statements were released that set the themes to be replayed throughout the election campaign. Mitchell acknowledged McCord's employment but sought to minimize it by terming him a consultant and implying that his Watergate activity was on behalf of some other unknown client. Mitchell said this knowing McCord had been a full-time employee for six months, had provided Martha Mitchell with her security agents, and had no clients other than the Republican National Committee. The theme: separate the culprits from the White House and campaign staffs.

Ron Ziegler, on behalf of the President, termed the break-in a "third rate burglary attempt." The theme: it was a foolish, isolated unsuccessful incident run by incompetents with whom the White House would never be associated.

White House counsel John Wesley Dean III ordered the safe removed from Hunt's office the afternoon of June 19. It was taken to a fifth-floor storage area and there broken open. (In a court filing this action was described as necessary because no one but Hunt had the combination—a highly unusual situation in a government building. More plausibly it was done because Dean did not want to alert whoever had responsibility for safe combinations that Hunt's was being opened.) The order to open the safe came when newsmen were trying to get some answers from the White House about Hunt's connection with the presidential staff. Bruce Kehrli, a White House administrative secretary whose office adjoined Hunt's, supervised the

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safe opening in the presence of Dean's assistant, Fred Fielding.

On the FBI's initial submission to the Judiciary Committee of its White House interviews, one was listed as taking place with Kehrli on June 19. Had that interview dealt with Hunt's office and what was in it, it could have been informative. On the last day of the Gray hearings, however, it was announced that the listing of June 19 for the Kehrli interview was a mistake—it had taken place June 27.

The material from the safe was brought to Dean's office June 20, where the White House counsel, according to court papers filed later, went through it, putting some papers and the attaché case containing electronic material in a safe, leaving other office supplies in a cardboard box. Beginning at 10 am the following morning and over the next seven days, Dean either spoke to or personally saw acting FBI Director Gray eight times with reference to the Watergate investigation. Not once, according to Gray, did Dean mention he had in hand material from Hunt's safe.

On June 22 during the FBI's first interview with White House aide Colson, a question was put concerning Hunt having a White House office. It was a natural question to ask, since *The Washington Post* two days earlier had printed the story on its front page about calling the White House for Hunt, getting no answer, then being switched to Colson's office. According to Gray, whose information must come from his agents' report, Dean, who was sitting in during the FBI interview with Colson, interjected that *he* would have to check to see if Hunt had an office. Of course Colson, who was regularly taking Hunt's calls knew, if Dean did not, that there *was* an office. During Senate hearings when Senator Robert Byrd characterized Dean's statement as probably a lie—or at the minimum less than the truth—the allegation of a cover-up should have applied to Colson as well as Dean.

At some point later that week the White House decided to turn over material from Hunt's safe to the FBI, which it did on June 27. Two agents were handed the three cardboard boxes that were now in Dean's offices. (Strangely enough although this June 27 date has been testified to in court and listed on numerous court papers, the FBI's itemized list of the material has the date of June 26.) Gray testified that in a morning June 27 telephone call with Dean, Gray sought to establish the chain of legal custody over the material so that it could be used as evidence in court. Gray was not asked and so did not have to explain why the material had been held for a week in the White House.

Dean, extremely sensitive to the possibility that news of the Hunt material going to the FBI would leak to the press, called Gray about it on June 28. Dean's fears of a leak were justified. On June 30 *The Washington Daily News* published a slightly garbled account of what had been given to the FBI, focusing primarily on a gun and electronic eavesdropping equipment. It placed them in Hunt's desk, which the newspaper said was in the office suite of Charles Colson. Twice on June 30 Dean, obviously irritated, called Gray about the story. That afternoon the Justice Department—and later the White House—confirmed that material from Hunt's office had been turned over voluntarily to the bureau. It identified a gun, but instead of eavesdropping equipment it mentioned one half of a walkie-talkie set. (*That* story was subsequently changed at the Watergate trial, for if the walkie-talkie that Hunt carried during the break-in had turned up in his safe it would confirm he had returned to the Executive Office Building after the crime had been committed. Hunt's walkie-talkie *was* put into evidence at the trial, but the government prosecutors refused to say where it was obtained. It is one more piece of the puzzle.)

Following publication of stories that his safe had been opened, Hunt reportedly tried to contact Dean through an intermediary, then sought his own lawyer. There is reason to suspect that prior to his leaving Washington, Hunt thought that whatever had been placed in the safe would be protected from investigation.

Question number two: Were papers removed from Hunt's safe before its contents were turned over to the FBI?

One of Hunt's first legal moves after the indictment was to seek to suppress evidence obtained by what he termed an illegal search and seizure of personal property contained in his safe. What he said in the affidavit he filed differs sharply with information given by the government in reply to Hunt's motion. For instance, Hunt said he used the office regularly, that it contained pictures, jewelry and other personal property, specifically a "Hermes" notebook and a "namefinder notebook containing personal information." The government, on the other hand, said Hunt's office was bare of pictures, that dust was on the desk and that all material except for office stationery was locked in the safe. The government argued Hunt had abandoned the office and the property therein. Yet on the list of material turned over to the FBI, the Hermes notebook and a namefinder notebook are not mentioned. There *is* a roladex (a telephone number file) listed, along with such items as an envelope marked "Howard Hunt eyes only personal unclassified"; also folders of correspondence with copies of letters and folders dealing with the Pentagon papers and news leaks.

Hunt's lawyer first threatened to subpoena White House aides to prove that his client *had* continued to use his office up until the weekend of the break-in. But a week before the trial, Hunt withdrew his motion on illegal search and seizure, thereby saving the White House aides from having to testify. Hunt's subsequent plea of guilty to the charges brought against him removed from the trial record additional information that would have made the White House uncomfort-

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able. For example the government had prepared an 18-page summary of Hunt's reimbursed expenses. It is from that summary that we know about Hunt's trip to Denver in March of 1972 to interview ITT's Dita Beard, which he did on behalf of Charles Colson. The trip came at a time Hunt was, according to the White House, working on Pentagon paper matters. It also was well after Colson had declared, in a court affidavit, that Hunt had stopped working for him.

Nothing was introduced at the Watergate trial from Hunt's safe papers, other than two unsuccessful approaches to former CIA colleagues to come to work on GOP security. If Hunt had any correspondence with men he hired, it either was not given the FBI or not used at the trial.

Question number three: What about the bug on the telephone of Spencer Oliver, the Democrats' state coordinator? Who put it there and how was it missed initially by the FBI?

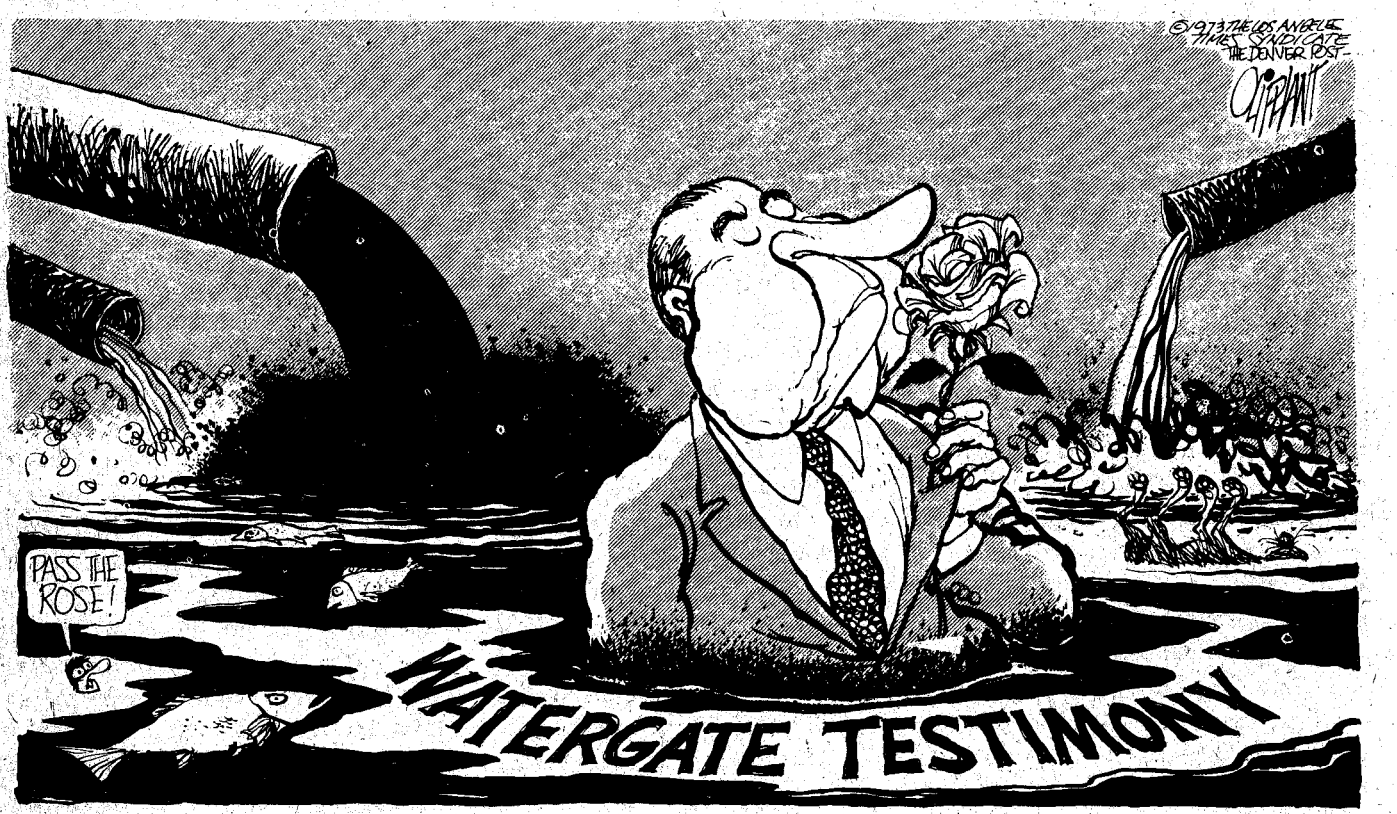
In the first weeks after the June 17 break-in, the FBI made what was supposed to be a thorough sweep of Democratic Party headquarters, looking for any electronic listening devices. Some time in late June or early July, when Democratic chairman Larry O'Brien was in Florida preparing for his party's convention, he was visited by two FBI agents who told him their sweep of the Washington offices had been completed and that no devices had been uncovered. In late August or early September, O'Brien learned of information given the FBI by Alfred Baldwin, the man who had eavesdropped on Democratic phone calls from the Howard Johnson motel, across the street from the Watergate. Baldwin made a complete statement to the FBI on July 10, reportedly even identifying Oliver's phone as the one he monitored.

On September 1 O'Brien filed a lawsuit against the Republicans, in which he stated that phone conversations at Democratic headquarters had been overheard. Less than two weeks later O'Brien said he had discovered the bug on Spencer Oliver's telephone. Spokesmen for the Justice Department and the FBI hinted the Oliver bug could have been placed there *after* the FBI's post break-in sweep, which turned up nothing.

When the government's Watergate indictment came down a few days later, O'Brien's charges were confirmed. And despite earlier suggestions that the Oliver bug was newly placed, it was *that* device which was introduced as evidence during the Watergate trial as the source of transmissions received and recorded by Baldwin.

A second bug referred to in Baldwin's testimony was supposed to have been placed on one of O'Brien's phones—but was not being received across the street because it was shielded. One aim of the June 17 break-in, according to Baldwin, was to clear up that transmitter. The O'Brien bug was never located, though a used piece of similar equipment was discovered in possession of the captured burglars.

Question number four: How are the contradictions about money to be reconciled?



Smelling like a rose . . .

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Maurice Stans, finance chairman of the Committee to Re-elect the President, was questioned under oath on August 28, during the civil lawsuit brought against him by the Democratic National Committee. Stans said, "[he] was not aware of any authority by Liddy [G. Gordon Liddy, one of the convicted conspirators] to spend money for security purposes." He meant Republican money. In a submission to the Judiciary Committee, however, acting FBI Director Gray said that an FBI interview with Stans July 27, brought out that "Stans became aware from general conversations that Liddy was assigned a 'Security Gathering' job and that certain cash disbursements would have to be made available to Liddy. Liddy's 'program' was already in effect prior to Stans' arrival on duty with the committee . . . and Stans was not aware of any details concerning Liddy's program.' "

Stans could give no explanation to the FBI on July 14 how $100,000 in Mexican bank drafts came into the hands of Bernard Barker, one of those caught inside the Watergate. But, Stans told the agents, Hugh W. Sloan, Jr. knew about the matter. The FBI report then reads, "When Stans was requested to make Sloan available for immediate interview, he advised that Sloan had resigned two weeks ago." Sloan testified at the Watergate trial that he resigned on July 14, the day the FBI sought to interview him.

Question number five: Has acting FBI Director L. Patrick Gray been altogether candid?

Take his handling of John Dean's failure to turn over material removed from Hunt's safe on June 20. Gray testified initially that he had no basis for pursuing that line of inquiry immediately after the break-in, on the ground the FBI did not know Hunt had a White House office—even though the bureau had found Hunt's White House telephone number in listings carried by two of the burglars. At another point Gray said he did not press the White House on the Hunt matter because Hunt was considered a suspect in the case. Yet the bureau's teletype sent out June 20 to its Washington field office stated that the bureau intended "to obtain all available information concerning the bank accounts, as well as toll telephone calls of the subjects and other individuals who appear to be involved in this case including Everette Howard Hunt, Jr."

In a dialogue with Senator Tunney, Gray said that even though he had the material from Hunt's safe, Dean didn't know very much about Hunt's activities. Said Gray, ". . . you can look at the inventories there and they were not that great, the materials on there." A week later Gray was being questioned by Senator Byrd on the same point—Dean's holding on to Hunt's materials for a week. Now Gray was eager to show that Dean was not shielding Hunt. The material Dean "turned over to us," Gray said, "the material that came from the office, we found it to be incriminating to say the least."

On his first morning before the committee, Gray told Senator Hart that "every newsstory that has been written regarding this case we have checked very, very carefully just as an adjunct to our own investigative efforts which preceded some of these stories by as much as a month to six weeks in time." The next day, harried by questions about whether he *had* followed up leads from news stories, Gray told the same senators that if he tracked down every news story written on the Watergate the bureau would never get its work done.

Question number six: When was the Democratic headquarters first broken into?

Not June 17. On May 5, James W. McCord, Jr. first rented the listening post rooms at the Howard Johnson motel across the street from Democratic headquarters. Sometime prior to May 26, one and probably two bugs were placed on telephones inside the headquarters. Also prior to June 10, documents from chairman O'Brien's files were removed and carried across the street to a room in the Howard Johnson motel where they were photographed, then returned. On the night of the June 17 break-in, the burglars apparently planned to photograph some documents within the office itself, and take others to their room in a neighboring hotel and photograph them there. McCord, now that he has belatedly assumed a new role as cooperative witness, should be able to tell in full all that went on at the Watergate. He also can, if he will, report on what was done in the room he rented next to Senator Muskie's campaign headquarters and what was planned for McGovern and the Democratic convention in Miami.

The prosecution's opening statement in the Watergate trial briefly outlined a portion of the Miami operation. Hunt sought to recruit a former CIA colleague who visited Miami to look over the job. He was shown folders with plans for hiring rooms adjacent to Democratic party leaders. A houseboat had been designated as communications headquarters. Some strong-arm men had been lined up for demonstrations. Efforts had been made to secure plans of the convention center—plans that would be useful in planning eavesdropping activities. When Hunt and his four associates pleaded guilty, that testimony was not needed at their trial.

Last August, discussing the Watergate bugging and the then previously undisclosed Republican campaign contributions that found their way into the case, Mr. Nixon said: "What really hurts is if you try to cover it up . . . Here we are, with control of the agencies of the government and presumably with control of the investigatory agencies of the government with the exception of the GAO which is independent. We have indicated that we want all the facts brought out and that as far as any people are concerned, they should be prosecuted." It brings to mind John Mitchell's admonition to newsmen early in the first Nixon administration: "Watch what we do, not what we say."

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Stanley Kauffmann on films

Love

(Ajay)

Brother Sun, Sister Moon

(Paramount)

Declaration, first—and boast: Lili Darvas is one of my dearest friends. But I'm certainly not going to let that stop me from saying that she gives a beautiful performance in *Love* and that the film itself is a treasure. It was made in Budapest in 1971 (and won the Cannes Special Jury Prize that year). When Miss Darvas came back to New York, where she lives, and told me the title and story idea, I felt uneasy. How wrong I was.

The film *is* about love, and it *is*, as she told me, about a dying old woman in Budapest whose son is in prison for political activity although she believes he is in America; about the daughter-in-law who forges letters from the son telling about his glorious American career as a film director, so that the old lady can die happy; and about the son, who is released from prison unexpectedly, but too late to see his mother. When you have heard those admittedly unimpressive facts, you know as little as I did when I first heard them. This is a film of depth and delicacy, small-scale but true. Basically it's a political film: at least it's about the stubbornness of individual feeling, more than individual thought, in a society not designed for wide variations.

The director is Karoly Makk who is famous at home but virtually unknown here, although a film of his, *The House Under the Rocks*, won a San Francisco Festival Prize. The script was adapted by Tibor Déry from two of his own stories, the photography is by a wizard of black-and-white named János Tóth, and the light-fingered editor is György Sivó. Together, they have all focused sympathy and art on this slender story to make it not only moving but microcosmic. A good deal about a great deal is encompassed in this little film.

I mention another director only to suggest, in shorthand, a visual quality. Truffaut, the early free Truffaut, has possibly been an influence on the texture of this film and its lyric, imaginative editing. *Love* begins with some flashes of the old lady in her bedroom, rising from her bed, going slowly to her window, all this latticed with old photographs and details of her life, accompanied by a faint tinkle like the memory of a music box. Before the picture is two minutes old, you know you are in the hands of discriminating artists—one of them Miss Darvas—who are going to tell you a story of pathos without being pathetic. The very gentleness of the lyricism has a hard edge of selectivity about it, of restraint.

The daughter-in-law, Luca, is played by Mari Töröcsik, a fine actress of charm and wit, young but with long experience on stage and screen. Luca comes regularly to visit her bedridden mother-in-law (who has a devoted maid), and between the two there is a fabric of real affection, nicely and credibly tempered with impatience and jealousy on both sides. The old lady admires Luca's beauty and steadfastness but admires them less in themselves than as proof that her son chose well. Luca, very bright, knows this; likes it and resents it; and teases the old woman, who is Austrian by birth and apparently has a German accent in Hungarian.

Through these visits and little duels and meals shared and expenses deplored, we get much of the past of both, pivoted on the son. The fact of his absence, which is omnipresent, Luca's deception of the old woman so that she can die proud, our knowledge of the political climate they all inhabit and that the son is a kind of hero—all these give the film an overall atmosphere of freighted quiet. There is more not heard in the picture than heard. Still the old woman and the young love and tease one another; and, sprinkled through in quicksilver flashes, we get the world of the old lady's youth—elegance and happy marriage and savor.

Luca loses her teaching job because of her husband's politics. She has to take lodgers in her small apartment, and she moves into a back room. She keeps up appearances for her mother-in-law with the maid's help. Then the old lady breaks her leg, develops pneumonia, and, after a last quasi-flirtation with a young doctor fond of music, she dies. (Something which, in the vein of this reticent film, we don't actually see.) And then, suddenly, inexplicably, the state releases the son.

This, clearly, is the second of the two Déry stories that are the source of the script. Far from letting the seam show, Makk makes the most of the transition—to this central character whom we have not yet seen. At the end of the last "mother" sequence, the screen goes black. Then dots of light break the blackness as the grill on the son's cell door is opened.

He is in the film for only the last 15 or 20 minutes, and what insures the picture against faltering is that he is played by Ivan Darvas (no relation to Lili). I saw him first in Budapest in 1964; he has made many films before and since. (His theater triumphs include *Hamlet* and *My Fair Lady*.) Darvas is an actor of very easy richness, and he fills

(continued on page 33)

Films Worth Seeing

The Discreet Charm of the Bourgeoisie. Buñuel, apparently getting younger, mocks the fantasies of the stuffily corrupt with pitiless wit.

The Emigrants. Liv Ullmann. Max von Sydow. If that's not enough, some truth about 19th-century Sweden that drove people to the US.

Jeremiah Johnson. Robert Redford as a trapper in the Rockies 130 years ago, in a picture of exceptional authenticity.

Painters Painting. Articulate interviews with 13 US artists and some other art-world figures. Fascinating. A lot of painting included—in decent color.

Payday. Rip Torn as a country-music singing star in the last epitomic days of his crazy life. American culture, sharply sliced.

The Ruling Class. A generally fascinating mess about a religious nut who inherits an earldom. Peter O'Toole fine, as are most of the others.

Traffic. Jacques Tati's latest comedy is his best: a balletic spoof about auto madness. Actually more to be looked at than laughed at.

SK

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Kenneth Evett on art

Route 81

Although the current games between art and life may seem to reduce art to an absurdity, they make daily life more interesting. At the recent Biennale di Venezia, what with outdoor sculpture looking like implausible workaday machinery and exhibitions running in and out of buildings and onto the lagoon, every object within range of those polyglot pavilions in the public gardens of Venice gradually assumed a new and mysterious significance. Hoses, watering cans, flower pots and benches joined in the act as potential participants in an art event. In that metamorphic state where art merges with life, even an automobile ride can be seen as a large scale esthetic experience, and the American superhighway can be viewed as a monumental inadvertent art form.

Whatever the designation, our new interstate roads move across the country with sovereign authority. Primarily designed to satisfy our national craving for speed and convenience, constructed with practical engineering logic, they have incidentally developed a distinctive vocabulary of forms. With their subtle gradients and curves, sculpturesque concrete piers and overpasses, complex spaces, striking primary-colored signs and sensitive landscaping, not to mention the varied sights of the passing scene, these superhighways provide a rich visual adventure in space and time. The entire length of the road can be perceived as a coherent sequence of ups, downs, curves and straights, with a beginning, an end and a comprehensible form. So while the fuel holds out, or before that day when the depleted air can no longer sustain either us or our slave-nemesis, the internal combustion engine, one good way to participate in the visual life of the country is to drive up one of those sweeping ramps and enter the flow that surges along an interstate highway.

US 81 is no *autostrada del sol* but it is an interesting road. Starting at the Canadian border near the Thousand Islands of the St. Lawrence, it describes a great arc that runs along or over the Appalachian chain and winds up at Knoxville, Tennessee. The route moves through a relatively unspoiled region well to the west of the Eastern seaboard megalopolis and traverses terrain that is full of variety. From the peace-and-plenty farm country of upstate New York, it climbs to the desecrated mining ridges of northern Pennsylvania, descends to the Susquehanna River basin at Harrisburg, then rolls through the parklike Shenandoah Valley and up to the Great Valley of Virginia before it crosses the northern foothills of the Smoky Mountains. It passes through regions that evoke a sense of American history, with scenic reminders of our lost 18th-century paradise, melancholy battlefield sites of the Civil War and many fine indigenous versions of those European building traditions that were brought across the Atlantic. Along the way can be seen the handsome farm complexes of Pennsylvania, with their ornamental barns, stone houses and outbuildings clustered in harmonious utility. Further south are the grey rock outcroppings, grassy fields and elegaic green bronze and marble monuments of Gettysburg, the Reverend Wilson's righteous house at Staunton, the pale yellow and white neoclassical elegance of Mary Baldwin College, the old octagonal baths at Warm Springs, Hungry Mother State Park, a host of natural caverns and the high-style landscape design of the Blue Ridge Parkway.

At one point on a recent trip along 81 and adjacent regions, I was confronted by the symmetrical juxtaposition of two disparate but comparable examples of American culture. Situated on the same latitude in Virginia, on opposite sides of the Blue Ridge, similar in scale and certain functions were to be seen a national chain motel and Jefferson's campus at the University of Virginia. The motel, a flashy commercial edifice designed to process and comfort a transient parade of affluent louts, seemed a minor nightmare version of the American dream gone wrong. Standardized in every particular, from the billboard-oriented site plan to the suave institutional accents of the room clerk, it offered a full display of predictable modern-day American materials and effects: wall-to-wall carpeting, fake wood paneling, creamy pastel painted cinderblock walls, boiling hot water, perfumed air, swimming pool, preprocessed food, free ice, bloody color TV, good flat beds, air conditioning, a picture window, and nailed to the wall, a Picasso print in a burlap frame—a veritable revelation of the good life.

And some 30 miles away across the mountains at Charlottesville, standing in plain dignity on a hill, is Jefferson's design for the University of Virginia. Across the valley on a small mountain, with a visual umbilical link to the campus below, is Monticello, and these two classic constructions, like their remote predecessors at Agrigento or Segesta or Bassae, ride serenely on the earth and seem to control and swing the rhythms of the surrounding countryside. The force of Jefferson's architecture begins with his vision of function. He conceived his Virginia campus as a civilized and practical environment for a community of scholars. Students and faculty would live and work together in buildings that should by their design provide daily lessons in Palladio's principles of architecture. To establish an essential economic base for the enterprise, productive gardens would be an integral part of the scheme. Jefferson's solution is a model of inspired common sense. Humane in scale, firmly placed on its hilltop site, his design is built on a simple plan that provides for both privacy and community. Two pairs of parallel rows of combined living and classroom units, each row flanked by an arcade, are separated by gardens, but connected traversely by the famous serpentine walls. These rows are situated on either side of a terraced lawn and joined at the higher level to the library, Jefferson's half-sized version of the Roman Pantheon, which becomes the symbolic head of a form whose arms reach out to the adjacent valleys and mountains, as they embrace the surrounding space. Upon this simple format, Jefferson then elaborated his inventions on given themes of the classic orders of architecture. He relished that abstract pursuit for its own sake, but he also had a very solid sense of structure and articulated his design (with a few awkward transitions) in simple substances of strong tonalities, red brick, wood painted white or black, brass and glass—all played off against open flat green lawns and the handsome plants and trees of the South. Jefferson's buildings at Charlottesville stand to remind us of the humanist tradition of architecture, as they evoke a nostalgic awareness of values we have lost and need to regain. I doubt that anyone will try to revive the classic revival but should we weary

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of our ersatz luxuries, or (more likely) be forced by coming power shortages and other inevitable scarcities to live more simply, Jefferson's architecture of suitable scale, sensible function, sound construction, simple materials and fine proportion may have something to tell us.

Architecture has always existed in an ambiguous realm between life functions and art, but the abiding power of Jefferson's work derives from qualities that exist at a level removed from the banal sights of mundane existence, no matter how artfully we shift our view. Those properties of high-spirited intellectual invention and abstract purity of design are not common aspects of daily routine. And while those international art-life processes (earth art, technological art, body art) may enrich life by forcing us to see our surroundings and art in new ways, they are also leading us toward that Dada dead-end where any form or action whatever can be called art. If by the new definitions a ride on Route 81 can be perceived as an esthetic experience, a visit to Jefferson's university can be seen as a significantly different kind of experience—whatever it is called. As the vanguard of modern art steadily marches on toward dissolution into daily life (or *comportamento* as the Italians refer to it) Jefferson's Virginia campus stands for all those creations of concentrated intelligence, feeling and skill that cannot be so assimilated. I would call it a work of art. Its presence animates and dignifies the entire territory of Route 81.

Shaping the Way We See Ourselves

Frederick Jackson Turner

by Ray Alan Billington

(Oxford University Press; $17.50)

What luck to have known Fred J. Turner—as he called himself until he won his doctorate, and as he always was with a fishing rod in hand.

Lionized in his lifetime, nevertheless he was, Ray Alan Billington tells us, "down to earth, old shoe, not through affectation, but because he cast himself in the role of the historical character he most admired: the Jackson Man." As a teacher "he gave his pupils no ordered body of information, weighted with the authority of his own knowledge. Instead, they felt that Turner was not teaching at all; he was himself studying history before their eyes." He was Woodrow Wilson's friend, and T. R.'s, but he was most content with those like the California woodsman who wrote him at the height of his fame: "Say Turner when you get here the salmon will still be biting."

Master theorist of the American past, he was forever fascinated by every condition that had formed it—the composition of soils, changing rates of interest and modes of transportation, the religious and social history of migrant peoples. His mind was original, and his methods of investigation, no less than the theory for which he is best remembered, changed the study of American history. As much as any one man has in the past century, Turner shaped the way we see ourselves.

His theory, of course, was that the frontier—the "westering experience"—had determined American character and institutions. He was born on that frontier in 1861, in Portage, Wisconsin, the son of Andrew Jackson Turner, newspaper editor, politician and entrepreneur. Vigorous and outgoing, Jack Turner was a passionate Republican and utterly democratic. The town itself was a microcosm of the frontier as melting pot: a third of its inhabitants were foreign born, and its local city council included natives of Ireland, Wurthemberg, Holland, Wales, Massachusetts and New York. Raised in that optimistic, egalitarian society, Turner developed a confidence in the goodness and common sense of those about him, whatever their walks of life.

He was a bright student at the University of Wisconsin and later at Johns Hopkins, where, in Miss Ashton's famous boardinghouse, he formed a friendship with the young Woodrow Wilson. "Homely, solemn, young, glum, but with fire in his face and eye that means its possessor is not of the common crowd," Turner wrote home about Wilson. Years later Wilson sought a chair for Turner at Princeton, but was rebuffed by his own trustees, who thought Turner a dangerous religious radical—a Unitarian!

In 1890, teaching at Wisconsin, Turner delivered the first of a remarkable series of papers on the nature of historiography. The past must be resurveyed, he wrote, to show how the common people lived. History could no longer be viewed purely through a political lens: "history is past literature, past politics, past religion, past economics." Historians needed to draw on geology, mineralogy and geography, if they were to understand the settlement process. They had to know the work of biologists, sociologists and psychologists, as well as census data and social statistics. "More than any historian of his day," Billington says, "Turner recognized the complexity of the past, and the need to trace each of the forces that governed human behavior."

Historians, Turner warned, should understand that their conclusions, no matter how well researched, were tentative: "Each age writes the history of the past anew with reference to the conditions uppermost in its own time." Historical relativism is hardly novel today; in Turner's youth, it struck many historians as apostasy.

The following year he sounded the frontier theme. "The ever retreating frontier of free land is the key to American development. . . . The peculiarity of American institutions is the fact that they are compelled to adapt themselves to the changes of a remarkably developing, expanding people." Even European history needed to be rethought in the light of the impact of free land in America, of American democracy and economic progress. "What the Mediterranean Sea was to the Greeks, breaking the bonds of custom, offering new experiences, calling out new institutions and activities, that the ever retreating Great West has been to the United States

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directly, and to the nations of Europe more remotely."

By "West" Turner meant all the Wests Americans had encountered since they moved out from the Atlantic littoral. The frontier was a "zone of population between civilization and wilderness" where society was atomized and conditions were unfamiliar. He interpreted census figures to say that the frontier line moved westward at a rate of 70 to 75 feet per day. Upon those in the zone —two to six persons per square mile, he figured—and upon those remaining behind them, the frontier worked profound changes in attitude.

It inspired an intense nationalism, for one thing. Frontiersmen, "wholly freed from the local attachment that arises from habit and long residence," demanded roads and protection, which Washington alone could provide. "Loose construction" (of the Constitution), Turner wrote, "increased as the nation moved westward."

It made for democratic practices. There was, in the new regions, no aristocratic establishment to be overthrown. As Billington writes, "Class distinctions seemed meaningless in a land where the turn of a shovel or a fortunate land speculation could transform a pauper into a millionaire. When all men were potentially equal, they were more inclined to treat each other as equals." Opportunity, and the idea of opportunity, simply undermined privileged sanctuaries.

An adventurous, expedient people, highly individualistic, with little respect for tradition—yet looking to the central government for support; a democratic people, permissive of the selfishness and greed of one another because there was always good land to be had simply by moving on. There were inherent contradictions in frontier society, but the safety valve of free land resolved them—so long as it existed.

Industrialism could not develop under such conditions. Where there was free land, a laborer could change into a proprietor without expenditure of capital. Free land assured high wages, by preventing labor surpluses, and thus it tempered the impact of class struggle—while it lasted.

What would happen when it was gone? Already, in the 1890s, Turner could read the message of the census: "Up to and including 1890 the country had a frontier of settlement, but at present the unsettled area has been so broken into by isolated bodies of settlement that there can hardly be said to be a frontier line." Indomitably hopeful, Turner thought Americans would develop a social conscience when they could no longer escape society's problems by fleeing to its frontiers.

Yet he could never entirely reconcile himself to its ending. For to Turner, the frontier was more than a means of explaining history. It was the crucible in which the most desirable human characteristics—as well as the most excessive, lawless and acquisitive ones—were forged. Billington describes them: "Coarseness and strength combined with acuteness and inquisitiveness; a practical, inventive turn of mind; a masterful grasp of material things but lacking in the artistic; a restless, nervous energy; a dominant individualism working for good and evil; above all, the buoyancy and exuberance that came with freedom." For Fred J. Turner—who was never lost to sight even when the world knew him by his imposing full name (is it required of distinguished historians that they use all three names?)—the cooling of that crucible was a loss to the nation.

There was indeed a deep unease among many Americans at the closing of the frontier. Without a safety valve, social turmoil would arise out of the conflict between rich and poor. Without land of our own to conquer, we would pursue foreign adventures, and so become embroiled in world politics. Washington's power, grown to accommodate expansion, would endure, threatening our liberties.

Turner, his theory and his disciples offered hope that each of these results might be avoided, or turned to good account. Because of our frontier experience, we now believed so deeply in equality that we would escape class conflict. If we extended our empire overseas, it would be to bring democracy to others, and to protect them and ourselves from European meddling. Our hardy individualism was proof against government power.

No problems were beyond solving; that was the lesson of the westering experience. Little wonder that Turner and his theory were embraced by a generation of scholars and ordinary citizens.

In time other scholars found flaws in his work; he had romanticized the frontier, where there was, it appeared, social stratification and racial strife, and to which displaced Eastern workers were drawn less easily than he had assumed. Turner's nationalism came to seem myopic in a more interdependent

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Introduction by Lewis Mumford

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world. His passion for the independent spirit, and for rural values, seemed quaint in an urban industrial society.

He was, in fact, uncomfortable in post-frontier America. He had foreseen that the democratic ideals of the pioneers could be preserved, if at all, only by "socialistic legislation" designed to afford equal opportunity for all. He sided with the oppressed, with the people against the trusts, and thought his views indigenously American, unaffected by Marx; but the loss of entrepreneurial leeway in an organized state was painful to him.

Which should have preference? The frontier goal of individualism or the pioneer ideal of democracy? For many years he chose the latter, voting for T.R. and Wilson, for the "New Nationalism" and the "New Freedom." But in 1928 he switched to rugged individualism, to his fellow outdoorsman Hoover. "So long as the democratic ideal seemed obtainable," Billington says, "as it did during the Progressive Era, he would cast his lot with reform; but the negative do-nothingism of the 1920s dimmed his hopes and elevated individualism above democracy in his scale of values." One wonders what he would have made of the next Roosevelt, who told the Commonwealth Club in 1932, in Turnerian phrases: "Our last frontier has long since been reached. There is no safety valve in the form of a Western Prairie. . . . Our task now is not discovery or exploitation of natural resources. It is the less dramatic business of administering resources and plants already in hand . . . of distributing wealth and products equitably." The children of the frontier, reared to scorn thrift, were unsuited for such a task.

Turner's output of books was surprisingly small. His best-known work is his address, "The Significance of the Frontier in American History," delivered at the Chicago Fair in 1893. Greeted with a yawn by his audience, it became within a few years the New Testament for young historians throughout the country. He was a leader in historical organizations; in them, and in his classrooms at Wisconsin and Harvard, he made his mark on those who illuminate the past for us, so that we may know who we are.

Ray Alan Billington's work is a labor of love, though not without reproach for his hero's failure to stick to provable facts in his promotion of the frontier thesis. He shows us a "perfectionist by nature and a dawdler by inclination, unable to endure the sustained effort to produce a major volume and unwilling to place on record an imperfect account demanded by any broad subject." His Turner is always in the process of discovery, excited to find, in courthouse records or the very colors of the earth, a trail that might lead toward national self-awareness. One feels the magnetism of his mind in this book, the generosity of his spirit, even—if one may say it, in this disabused age—the nobility of his vision. What Billington has done is worthy of Turner.

Harry McPherson

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On Negative Formulations

The Dialectical Imagination

by Martin Jay

(Little, Brown; $12.50)

The Frankfurt School was a think tank before think tanks. It had its beginnings in Germany in the early '20s as a Marxist ivory tower for "formulating the negative in the epoch of transition." (The words are Max Horkheimer's, one of the school's founders.) To profess to formulate the negative would seem a poor way to get a think-tank grant in our country today, but in the Weimar Republic the enterprise found backing, and it thrived as a small center for high theory until the Nazis took power in 1933. Then, partly because it was "negative" and partly because it was staffed almost exclusively by Jews, its German days were, until 1949, over; the refugees fled to Geneva, Paris, London and finally to New York. In New York they received the unlikely backing of Nicholas Murray Butler at Columbia, moved into a Columbia building where they lived out the Depression and the war years in the kind of isolation theorists enjoy. These were the years, says their historian Martin Jay, of their "highest creativity." Upon their return to Germany in 1949 they were received in Frankfurt as solid citizens and were so impressed with their new solidity that they were hesitant to acknowledge their continuing association with their most famous colleague, Herbert Marcuse.

Marcuse joined the school right after its departure from Germany. He was one of the half dozen central figures in it during the New York years (other prominent figures were Horkheimer, Theodor Adorno, Walter Benjamin, Erich Fromm, Leo Lowenthal and Friedrich Pollack). But Marcuse, along with a number of others, decided against following the school back to Germany in 1949, mostly because the organization had by then moved too far away from Marx. Marcuse himself had been for some time "a target for orthodox Marxist abuse," says Jay, but he remained (and remains) a significant formulator of negatives.

A comprehensive history of American thought could be written in terms of what constitutes negativism, where it has thrived and where not, and what the social and cultural implications are of its fickleness as a presence among us. In politics and economics we have as a nation been steadily uptight about anarchism, socialism and communism since the industrial wars of the late 19th century—with occasional short periods of relaxation, as in the mid-'30s. No significantly radical political party has been able to emerge. Yet in the world

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of art and culture a stableful of formulated negatives has been with us for the whole 20th century; indeed that stable has been accepted as pretty much the only appropriate place for art and light to reside. Accepted, that is, among the "elitists." But down with the people the acceptance has been minimal. A striking recent instance of the split between attitudes toward negative formulations to be found in high and low kulch was the canceling by CBS of its TV presentation of the play *Sticks and Bones*, produced by Joseph Papp as part of his cultural package for that network, on the same day that Papp's troupe was announced as the new theatrical occupant of Lincoln Center. Lincoln Center is hardly the highest browed establishment in the country but it can well stand for highbrowism in comparison with the local TV stations who protested *Sticks and Bones*.

The Frankfurt School was always, however, removed from the public arena. It sometimes took as its province the problem of measuring the social and cultural feelings of the masses, but despite its preliminary Marxist orientation it did not seek, like Papp, to mold or identify with those feelings. According to the school's Critical Theory the step from Fascist, anti-Semitic Germany to liberal capitalist Amerika was a small one (though certainly Amerika's *practice* in connection with the school was consistently more humane than Nazi Germany's). As Marcuse put it, "the turn from the liberalist to the total-authoritarian state occurs within the framework of a single social order. With regard to the unity of this economic base, we can say it is liberalism that 'produces' the total-authoritarian state out of itself, as its own consummation at a more advanced stage of development." Hidden in that multisyllabic jargon is the crucial negative formulation of the early years of the school—and it seems fair to say that the school, with this formulation, was only accepted here, as not in Germany, because the formulation was unheard.

Who can say what good it is to sit on a cloud constructing the new non-Marxist or modified-Marxist negative to capitalism? Not I. I have a pragmatic American aversion to pure theory, and so am initially disposed to think of think tanks as the sky island Jonathan Swift once constructed for philosophers. Furthermore Martin Jay's book, originally written as a Harvard Ph.D. thesis, does little to give this particular think tank human content. The book is mostly a muddy, quibble-ridden anthology of high dialectical shop talk, though containing good summaries of central ideological issues. Yet my own general reservations about thinking on clouds, together with my doubts about the particular uses of the Jay book, are balanced by a strong sense that our culture is doomed—the word is cheap now, but applicable here—if it cannot produce something like the Frankfurt School and give it an effective role; doomed, that is, if it cannot create negative theory on top that will help in some measure to direct social and political change below. So long as think tanks are mere establishment servants or research-and-talk clubs, just so long will our politics be mindless.

There is something ridiculous, for example, in living steadily, as I and all literary people do, in a world of powerfully negative artistic formulations, while living equally steadily—because there is no significant alternative—with the amoebic ideologies of our political parties. This is the American way, and the fascination—for me at any rate—of the Frankfurt School is that it

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emerges, despite its insistence upon rarefication, as a sort of model of what a think tank in our day *ought* to think about. For it not only tried in its early years to confront the potential horrors of the capitalist future in Marxist terms, but it tried to reckon also with the Marxist deficiencies. It brought Freud into conjunction with Marx; it got after the Puritan work ethic built into Marx, and tried to insert instead a little pleasure; it struggled to reconcile the contrarieties of individual and state. It tried to keep its synthesis contemporary, alive and applicable—if only there had been someone to apply it!

Think of our collective national confusion at the moment about the nature and role of what may well be our most significant "negative" institution, the adversary press. The immense subject of the press' adversariness seems to be exhausted the moment the subject gets beyond the *right* to be adversary. What adversariness might or should or even does consist of doesn't enter upon the scene. Is *The New York Times* a nasty lib and left-lib rag, as some insist? I don't think so, and yet if I were to try to characterize clearly the nature and extent of the *Times'* adversariness I would find myself at a loss. So, I suspect, would the editors of the *Times*. There is no adversary center in our country that is worth beans intellectually, even though our intellectuals and artists have known for a century that there are hellish forces at work among us that cry out for a true adversary. So, although the history of the Frankfurt School is, from the point of view of a pragmatic American, a history of failure, we could use a few genuinely American efforts like this, even if they too turned out to be failures. There may be exceptions, but the think-tank syndrome, as it now exists with us, is a waste of time because it does *not* contain within it any considerate effort at comprehensive negative formulations; it is, as Adlai Stevenson called it, the "leisure of the theory class."

Perhaps the biggest reason for concentrated attention to negatives is that our positives have become so pale. I was taught to think of the banner over my brother's bed, "For God, for Country and for Yale," as a bad joke even as I myself went off to serve Yale, then country and God—but there *were* positives in my life then. What my purpose was and where my faith resided were questions that didn't get answered clearly, but I *acted* as if I had answered them; I went about my business as student, writer and then soldier without more than a day or two a week devoted to gloomy funks. Can the young say the same now?

To push the point, I believed, vaguely, that the rich were not going to get richer and the poor poorer, that the rascals wouldn't always run the country, that a man or woman could and should perform useful social functions, that a life of service to something beyond the self was worthwhile, and also even potentially pleasurable. And in the literary world to which I was coming as a new settler I believed, beneath my sophisticated negatives, that a well-made poem would go forth to shine bright in black ink. I had faith, that is—and so did my literary peers—in the existence of value beyond the self. But now? Beyond "making it" what is there?

Our lives as private citizens continue as before, though nervously. But as a nation, as a culture, we seem to be in a great faith funk now—and with the war's end falling deeper into funk by the minute. Though I can only speak with confidence of the tiny part of the culture I know, I don't sense any borders, any limitations to the funk. It is in government and industry, it is with the rich and the poor, the educated and the uneducated, the young and old.

Long ago D. H. Lawrence described a state of English funk that particularly distressed him, but it was a toy of a funk compared to what we have. The English, poor things, were "in a state of blue funk" about the economic changes (and changes in mores) that were occurring around them—this was in the late '20s—and Lawrence was contemptuous of his countrymen because they wouldn't come to grips with the changes. Lawrence in opposition set himself up as a reckoner with change; and though his main concern was with a change in sex mores he was also, when he thought about it, a sort of socialist (his opponents say a bad sort), and he looked forward with pleasure to a change in the whole industrial system. "The owning of property will be different. Class will be different, and human relations will be modified and perhaps simplified." If only the English would *ready* themselves, in their blue-funk minds, to such change, he thought, then . . .

What a simple funk that was. Blue not black. We have *had* the changes Lawrence looked for, and yet not had them. We even perhaps still have, in the hard-hat set, forms of the English funk—for we have everything in this confused country; but above and beyond the confusion the new funk gathers, making us incapable of either holding on to our haves or seizing our futures. We have neither a positive to possess nor a negative to imagine. Into such a vacuum the most horrendous negative formulations can move—and *do* move.

My point is that since the negative is very much with us, we would do well to have it formulated by men of reason, steadfastness and good will, rather than by hopped-up gurus in the mountains.

Reed Whittemore

in wonderland

suddenly after one cookie too many
alice has shot up
out of earshot almost of the mad
party
that is for some infant's birthday now
that she
has grown up

even going to a shrink
there is no
going back
while forward lies a deep hole
full of no
falling

JILL HOFFMAN

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Doom or Boom

The Retreat from Riches: Affluence and Its Enemies

by Peter Passell and Leonard Ross

(Viking; $6.95)

If this is an age of anxiety, of guilt-ridden, national self-examination, one of the more exacerbating elements must surely be the literature pertaining to population and environment. The message of Stanford biologist Paul Ehrlich is characteristic; in 1968 he extrapolated a doubling of the world's population in 37 years, and the attendant problems he predicted seem to come to life more and more with each passing day. Then in a computerized and widely publicized analysis of resources and pollution, Jay Forrester, Dennis Meadows and their MIT associates have completed the portrait of disaster. By the turn of the century, they assure us, the foundations of civilization will be irreparably shaken unless we *now* restrain population and future economic growth. The world and the natural wealth it holds are finite. The demands we make upon it, and the abuse we levy, are now rising without limit. Long before the fateful year 2020, for which they have scheduled collapse, we may expect in our negligence an appreciable reduction in the quality of life.

Fortunately for the nation's nerves and the publishing business, for every prophet of doom and gloom there is one of boom and zoom. Two of the more youthful and exuberant members of the second set—Peter Passell and Leonard Ross, teachers of economics and law, respectively, at Columbia—present their rosy views in *The Retreat from Riches*. In two words, their answer to the pessimists is SCIENCE and the MARKET.

A critical deficiency of the Forrester-Meadows model, the authors say, is that it does not encompass the wondrous ways of the market. The market mechanism in effect constitutes a warning system. When one resource grows scarce, the signal is a price rise, which stimulates economies in its use and the miracles of science in discovering substitutes. "The fallacy" in the MIT approach, they write, "is found in the assumption that raw materials must always be used in the future as they are today: that when the last drop of oil is burned, the last truck will sputter to a halt. But the history of technology gives us every reason to believe that long before we run out of Arabian oil we will begin extracting petroleum from the vast reserves of oil-shale rocks and tar sands. And long before we run out of those reserves, cars will be powered with other sources of energy."

The ingenuity of science, in the buoyant model of Passell and Ross, becomes limitless, thus breaking through the "limits of growth" statistically erected by Forrester and Meadows. "Silicates made from sand," they explain, "replace copper and silver radio circuitry; European cattle feeds are enriched with nutrients made of natural gas converted by bacteria; mattresses are filled with polyurethane, which never was closer to a Liberian rubber tree than Bayonne, New Jersey."

So much, they conclude, for the specter of resource scarcities. With the same enthusiasm, the authors demolish the ogre of pollution. The countryside, the atmosphere, our rivers, lakes and the ocean itself are defiled because business and individuals are not charged for the use of these presently "free" natural resources. "If Con Ed were forced to pay for its abuse of the air, management would learn how to clean up its own mess. If automobiles were taxed according to the content of their emissions, General Motors would find it worthwhile to build sweet smelling engines." The solution, in other words, is for government to "internalize" the uncounted *social* costs of production, converting them to *private* costs in the form of taxes on the nation's corporations. As a byproduct of the efforts of business to avoid taxation, then, pollution would be minimized. Simple when you think of it, as literally thousands of economists have before.

In any event, through such observations Passell and Ross reach the comforting conclusion that the United States may freely cast aside all inhibitions and start heading for that "two trillion dollar economy." Self-abnegation, they say, is a pointless mirage of professional worry warts and the satiated elite. "I've been poor and I've been rich," they quote appreciatively from the lore of Tallulah Bankhead, "and believe me, rich is better."

Readers who previously took Forrester, Meadows and Ehrlich seriously, and now become utterly convinced to the contrary by Passell and Ross, are likely to be the stuff of which the dreams of TV salesmen are spun. For *The Retreat from Riches* is essentially a euphoric sermon, delivered with the journalistic breeze of a gossip columnist, that rivets attention exclusively on the most beneficent of the countless contingencies that may influence the world's future. Nowhere is there a systematic analysis of mineral, fuel or agricultural resources; of technological developments of the past or present, of the sources and characteristics of pollution, or the trends and distribution of population and their consequences. In fact population is not discussed at all, nor does it appear in the index. Nowhere is there a notable section of careful reasoning. If avoiding pollution is as easy as their comments suggest, what's hampering us now? This and hundreds of other relevant questions find no response in *The Retreat from Riches*.

To strengthen their argument for continued and rapid economic expansion, Passell and Ross devote much of their book to describing why growth is desirable—a point not quite pertinent to Forrester and Meadow's contention that, desirable or not, growth at the present rate cannot be sustained much longer. And in these often flippant sections, their enthusiasm and hasty treatment of the facts leads them at times to strain the skein of history. Growth alone, they assert, can aid the poor, not institutional reforms, social legislation or the political efforts of liberals. Their Friedmanesque eager-

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Notes on Contributors

Kenneth Evett *painted the rotunda murals for the state capitol of Nebraska.* Harry McPherson, *a Washington attorney, is the author of* A Political Education *(Atlantic/Little, Brown).* Jill Hoffman's *first collection of poems,* mink coat & other poems *(Holt, Rinehart & Winston), is to appear this spring.*

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ness to drive home the latter proposition induces them to cast such diverse personalities as Franklin D. Roosevelt, the Kennedys, Arthur Schlesinger, Jr., Jacob Javits and John K. Galbraith in the role of villains—involuntary, of course, but villains nonetheless because they have deluded the masses with false promises. Their eagerness also leads them to ignore some highly pertinent evidence contradictory to their case, such as: that social legislation and social services have succeeded in minimizing poverty and sharply reducing income inequality in the Scandinavian countries, Holland and Great Britain; and that for similar reasons the United States experienced a notable period of measurable equalization during the New Deal, and some slight further progress in that direction since then. A common tendency in these historical sections is for the authors to condemn without qualification each instance of government intervention because it falls short of perfection. For example the social security system is excoriated because it is financed by a "regressive" tax, despite the fact that it maintains in minimum comfort millions of elderly and other men and women who would otherwise be destitute.

More important for their central thesis, Passell and Ross neglect the possibility that there is more than one path to economic growth. We may, of course, go on as we are, just as *The Retreat from Riches* prescribes, although how long that could last is problematical. Even Passell and Ross would probably concede that population restraints would sooner or later be necessary in any case. But alternatively, without dismissing the concerns of Forrester, Meadows and Ehrlich it can logically be contended that economic growth in the foreseeable future can be continued, but along *different channels* and in a *different way* from the past. Almost without question, if growth persists through the next generation it will have to be more economical in its use of materials, less tolerant of waste, recycling minerals, paper and such wherever possible, and probably expending more manpower in relation to capital. Production will also have to be more consciously and carefully directed. For the developed countries and for the rich in general, this implies a greater relative role in their total consumption for services, as in education, the arts and recreation. For all the world it would imply a lesser place for the frivolous, ostentatious, resource-wasting goods—led by excessively high-powered cars and munitions—that now occupy so large a proportion of the world's economic activity. For the poor countries it would imply, for the time being, concentration on the essentials of food, shelter, clothing, health and education in place of the usual futile nationalistic drive toward industrialization and showy airports. Everywhere it would require strict mandatory rules for avoiding pollution.

So widespread and thoroughgoing a transformation of economic organization would obviously entail deliberate economic planning, especially in the United States, which now consumes a disproportionate share of the world's wealth, but also elsewhere. Perhaps, from the present vantage point, a disciplined adaptation to the survival requirements of man and nature may seem as likely as did the election of Senator McGovern at about 8:00 pm last November 4. But if there is any sense at all to the work of Forrester,

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Meadows, Ehrlich and their colleagues, as I think there is, the time by analogy is more like November 1, and we have just a few more days of historical time before the hour of reckoning. That kind of pressure can *require* the world to introduce forethought in its economic and demographic decisions. And that means planning.

Melville J. Ulmer

Kauffmann, *from page 24*

this small but crucial role with every tonality you have been led to expect in the son. As he makes his way from his cell to the prison office to his home, he creates a man relieved but not free, glad but within limits, hopeful because—perhaps *only* because—he is alive.

Luca did not expect him and is not home. So you know there is going to be a scene where she walks in and finds him, and in a way you dread this moment. Will it spoil the film, with emotion too glibly tapped? The answer, resoundingly, is no. She comes into the kitchen and sees him—the husband who has been in prison a year and whom she expected to be there for another nine years—sitting quietly by the stove, eating a large slice of bread and butter. The camera holds her alone; and in that moment, this lovely girl grows old. Everything that she had fought off during the past year catches up with her as she looks at him. There are a few Truffaut-like flashes of their embrace before they embrace, and in fear of that embrace, she turns aside. Then he comes to her, and the film ends as it began: quietly. In love.

Bedridden, always feeble, Lili Darvas nevertheless creates an entire woman, tender, domineering, cultivated, silly, perceptive, frightened of dying without her son at her side. Miss Darvas made her debut in Budapest as Juliet in 1921, and in the late 1920s was engaged by Max Reinhardt to learn German and join his company. (Otto Preminger, a theater associate of hers then, once told me that she is the only person he knows who has learned to speak German without an accent.) She was thus a bilingual leading actress in the years before the Second War, playing in the German-speaking theater and occasionally going back to Budapest. Among her other roles, for many years she did a new play written for her every year by her husband, Ferenc Molnár. She came to America when Hitler came to Vienna, and her career since then has not been what it would have been otherwise. But at least we now have this film.

To repeat: a treasure.

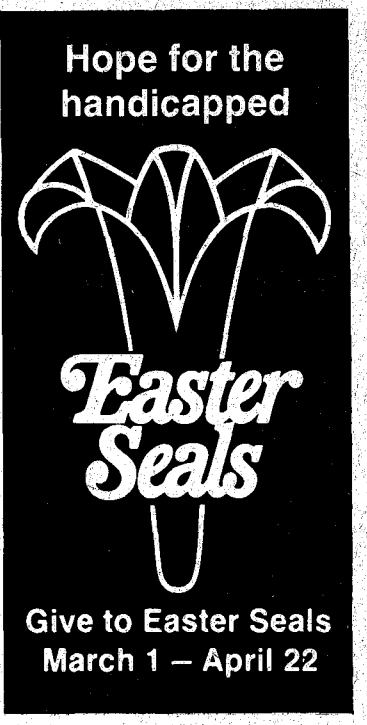
Franco Zeffirelli has made a film about St. Francis of Assisi, and if I were pope, I would burn it. It's the 20th-century cinematic equivalent of a 19th-century bleeding-heart religious chromo. The Church has enough troubles keeping its best minds and spirits, the true religious, without the added affliction of hollow religiosity on the screen.

Brother Sun, Sister Moon was made, apparently, because of the superficial resemblance between Francis and his Clowns of God in 13th-century Italy and the Jesus freaks today. Essentially Zeffirelli is up to the same game here as in his *Romeo and Juliet* (1968): flatter the young and swamp them in Beeyootiful Color. And this time he has added songs composed and sung by Donovan—to prove that what Francis is about is today, man.

The picture *will* appeal to Jesus freaks, and to those who think that all religious lives take place in the land and light of an Italian Disneyland. The outlines of the script have some resemblance to the facts of Francis' life, but the film does not: it is an embodiment, in its swooning colors and sentimental dissolves and empty cinema rhetoric, of everything that Francis forswore. When Francis visits the Pope in his gorgeous palace, he deplores the papal grandeur. Yet there he stands, in his bare feet and rags, possibly the most Christian man since Christ, the hero of a film that swims in visual oil.

The dialogue, in English, leaves something to be desired. (To put it with Franciscan charity.) For instance, humble Francis, kneeling before the Pope (played by poor Alex Guinness), shakes the Holy Father's composure by speaking a few words. What words? A few lines of the Sermon on the Mount. I got the feeling that the Pope thought Francis had just made them up and was greatly impressed.

The best performance is by Lee Montague, an actor of smashing vitality, as Francis' father. The pleasantest sight is the face of Judi Bowker, as Clare, another future saint. Graham Faulkner, the Francis, looks like Claire Bloom. When his beard grows, he looks like Claire Bloom with whiskers.



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ABC Afterschool Special. Alexander (story of children coping with tragedy); Follow the North Star. Wednesdays, April 4; May 2 (4:30-5:30 pm).

Winnie the Pooh and the Honey Tree. Animated version of A.A. Milne tale. Wednesday, April 4 (8-8:30 pm).

The Smile of the Walrus. Undersea World of Jacques Cousteau. Thursday, April 5 (8-9 pm).

What Are Taxes All About? A special for young viewers. Saturday, April 7 (1-1:30 pm).

The Wizard of Oz. Perennial favorite starring Judy Garland, Ray Bolger, Jack Haley, Bert Lahr. Sunday, April 8 (6:30-8:30 pm).

America. *The Arsenal; The First Impact;* The More Abundant Life. Tuesdays, April 10, 24; May 8 (10-11 pm).

The Small Miracle. Hallmark Hall of Fame—Paul Gallico story of a boy's faith; with Vittorio De Sica, Raf Vallone. Wednesday, April 11 (8:30-10 pm).

The Haunted West. National Geographic Society study. Thursday, April 12 (8-9 pm).

Directions. History of Judaism in Western World; Easter Mass from St. Patrick's. Sundays, April 15, 22 (1-2 pm).

I Love Tchaikovsky! New York Philharmonic Young People's Concert—Michael Tilson Thomas conducts excerpts from "Nutcracker," "Scherzo Burlesque" and Symphony #2. Sunday, April 15 (5-6 pm).

Upon This Rock. Tour of St. Peter's Basilica with Ralph Richardson, Edith Evans, Orson Welles, Dirk Bogarde. Tuesday, April 17 (10-11 pm).

Shenyang Acrobatic Troupe of the People's Republic of China. Acrobatic and conjuring acts. Wednesday, April 18 (8:30-10 pm).

Up With People. Tribute to worldwide understanding sung by youth chorus. Thursday, April 19 (10-11 pm).

Dr. Seuss. Horton Hears A Who. Friday, April 20 (8-8:30 pm).

Portrait: A Man Whose Name Was John. Based on an incident in the life of Pope John XXIII. Raymond Burr stars. Sunday, April 22 (8-9 pm).

The Adventures of Don Quixote. Rex Harrison in dramatization of Cervantes novel. Monday, April 23 (9-11 pm).

The Cricket in Times Square. Animated adventures of a cricket. Tuesday, April 24 (8-8:30 pm).

The Man Without A Country. Cliff Robertson in the title role of the classic novel. Tuesday, April 24 (8:30-10 pm).

The Lie. *Original Ingmar Bergman drama* probing false values of suburban couple. Starring Robert Culp, George Segal, Shirley Knight. Tuesday, April 24 (9:30-11 pm).

The Forbidden Desert of the Danakil. Expedition into the northeastern Ethiopian desert. Wednesday, April 25 (8-9 pm).

The Going Up of David Lev. Drama of young Israeli's attempts to ease his mother's grief. Starring Claire Bloom, Topol, Melvyn Douglas. Wednesday, April 25 (8:30-10 pm).

Five Presidents on the Presidency. Truman, Eisenhower, Kennedy, Johnson and Nixon comment on the Presidency. Thursday, April 26 (9-10 pm).

Strange and Terrible Times. The American Experience—Re-creations of three precarious periods in U.S. history. Friday, April 27 (9-10 pm).

The Building Innovators. Pros and cons of industrialized housing. Saturday, April 28 (10-11 pm).

It Takes A Lot of Love. Relationships of people with their pets. Thursday, May 3 (8-8:30 pm).

Weird Harold. Cartoon based on character created by Bill Cosby. Friday, May 4 (8:30-9 pm).

The Strauss Family. The lives and music of the musical family. Saturdays, May 5 (8:30-10 pm); May 12, 19, 26 (9-10 pm) (through June 16).

Women of the Year, 1973. *Ladies' Home Journal* honors outstanding American women. Monday, May 14 (10-11 pm).

NBC Religious Specials. Dr. Einstein Before Lunch; Legacy. Sundays, May 20, 27 (4:30-5:30 pm).

The Emmy Awards. Television Academy's 25th annual event. Sunday, May 20 (10-concl).

Emmy News and Documentary Award Ceremonies. Television Academy journalism honors. Tuesday, May 22 (9:30-11 pm).

The Energy Crisis. ABC News Inquiry—Reasons why our country faces energy shortages. Thursday, May 31 (10-11 pm).

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Tuesday: NBC Reports/First Tuesday (monthly).

Wednesday: ABC Afterschool Special (1st Wed. of each month).

Saturday: In the News/Multiplication Rock/ABC Saturday Superstar Movie/Sealab 2020/Kid Power/Around the World in 80 Days/Fat Albert and the Cosby Kids/Talking With a Giant/CBS Children's Film Festival/Zoom.

Sunday: In the News/Lamp Unto My Feet/Look Up And Live/Multiplication Rock/Curiosity Shop/Camera Three/Make A Wish/Face the Nation/Meet the Press/Issues And Answers/60 Minutes/The Wonderful World of Disney.

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